



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1027110 BC Ltd  
Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPM

### Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 48 of the *Manufactured Home Park Tenancy Act* (the “Act”).

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The following are undisputed facts: On November 10, 2016 the Parties entered into a mutual agreement to end the tenancy on June 30, 2017 at 1:00 p.m. and that the Tenant will give up possession of the unit on that date unless “the bill of sale is mutually amended.”

The Tenant states that he will likely be out of the unit prior to the agreed upon date. The Landlord states that they are satisfied that there will not likely be any amendment.

The mutual agreement, entitled “Termination Agreement” also includes a clause in relation to the compensation provided to the Seller that is included in the purchase

price. The Landlord states that the "Seller" is the Tenant. The Landlord states that while this clause is not relevant to the claim for an order of possession or the mutual agreement to end the tenancy, it was part of the bargain made in coming to the mutual agreement.

### Analysis

Section 48(2) of the Act provides that a landlord may request an order of possession of a manufactured home site where the landlord and tenant have agreed in writing that the tenancy is ended. Based on the undisputed evidence I find that the Parties have entered into a mutual agreement to end the tenancy. I note however that the end date is conditional on an amendment to the bill of sale. As such I grant an order of possession to the Landlord that will be effective on June 30, 2017. The Tenant may end the tenancy earlier. Should the Parties amend the bill of sale to change the end date of the tenancy to any other date this order of possession will not be effective.

### Conclusion

I grant the Landlord an order of possession effective 1:00 p.m. on June 30, 2017 with the above noted condition.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 05, 2017

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Residential Tenancy Branch