



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding **VALLEY CONCEPTS LTD. O/A ASPEN PLACE**
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OLC, FF

Introduction

The Application for Dispute Resolution filed by the Tenant in the File number ending in #....92 seeks the following:

- a. An order for a monetary order in the sum of \$21,700
- b. An order that the landlord comply with the Act, regulation or tenancy agreement
- c. An order to recover the cost of the filing fee?

The Application for Dispute Resolution filed by the Tenant in the File number ending in #....93 seeks the following:

- a. An order for a monetary order in the sum of \$13,700
- b. An order that the landlord comply with the Act, regulation or tenancy agreement
- c. An order to recover the cost of the filing fee?

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

Preliminary Matter:

The Application for Dispute Resolution filed by the Tenant involves two manufactured home park tenancies and two manufactured homes. The Registry scheduled the hearing of these applications at different times. The issues are identical and I ordered that both applications be heard at the same time.

I find that the Application for Dispute Resolution/Notice of Hearing in both files was personally served the landlord on July 13, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order and if so how much?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act, regulation and or tenancy agreement?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

Both tenancies commenced in the early 2000's. The rent is presently set at \$238.51 per month. The landlord took possession of the manufactured home park on February 1, 2017.

The manufactured homes are in disrepair. The tenant advised the landlord in the spring of 2017 that he was not interested in retaining the manufactured homes on those two pads. The landlord has proceeded on the basis the tenant was abandoning the manufactured homes and has had the homes transferred to a third party. The tenant disputes the way in which the landlord has conducted itself and submits the landlord should first have obtained an Order of Possession.

The tenant stated at the hearing that he does not want an order that the landlord return the two manufactured homes to him and he does not wish compensation for either of the homes. The dispute between the parties relates to the way the landlord took possession.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 56(2) of the Manufactured Home Park Tenancy Act as follows:

- a. The parties mutually agree that the tenancies for pad #31 and pad #18 ended as of May 1, 2017.
- b. The landlord releases and discharges the tenant from all claims for non-payment and loss of rent for pad #31 and pad #18.

- c. The tenant relinquishes to the landlord all rights he has to the manufactured homes located on pad #31 and pad #18 and agrees the landlord has the right to dispose of, sell, demolish or renovate the manufactured homes on those pads at the sole discretion of the landlord.
- d. The tenant waives all rights to compensation the tenant may have to the manufactured homes located on pad #31 and p#18.
- e. The landlord waives all claims it may have against the tenant for any costs it may incur in disposing of the manufactured homes and cleaning the manufactured home pad.
- f. This is a full and final settlement of all matters relating to the manufactured home tenancies and the manufactured homes located at pad 31 and pad 18 and each party releases and discharges the other from all further claims.

Conclusion

As a result of the settlement I ordered that the application filed by the tenant in both files including the monetary claims be dismissed without leave to re-apply.

This decision is final and binding on both parties.

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

Dated: September 05, 2017

Residential Tenancy Branch