



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution (the "Application") filed by the Tenant under the *Manufactured Home Park Tenancy Act* (the "Act"), seeking more time to file an Application, and seeking to cancel a One Month Notice to End Tenancy for Cause.

The hearing was convened by telephone conference call and was attended by the Landlord, the Tenant, and the Tenant's advocate (the "Advocate"). All parties provided affirmed testimony.

The opportunity for settlement was discussed with the parties during the hearing and the parties were able to reach a mutual agreement **as follows:** ~~At the conclusion of the hearing, I advised the parties that I would document their agreement in my Decision and supporting Order.~~

During the hearing, the parties mutually agreed of their own free will to settle this matter as follows:

1. **The Tenant agrees to list the mobile home located at the mobile home park site which is the subject of this dispute, for sale with a realtor no later than November 1, 2017;**
2. **The Parties agree and understand that the Landlord must approve the assignment of the tenancy agreement to the purchaser of the mobile home in accordance with the *Manufactured Home Park Tenancy Regulations* (the "Regulations");**
3. **The Tenant agrees not to sell cigarettes in the mobile home park;**
4. **Without unreasonably restricting the Tenants right to have guests, the Tenant agrees to keep the noise and the number of visitors to their mobile home to a reasonable level at all times. In particular, the Tenant agrees to keep the noise and the number of visitors to their mobile home to a reasonable level after 11:00 pm, so as not to unreasonably disturb the other Tenants of the mobile home park;**
5. **The parties agree that a conditional Order of Possession will be issued to the Landlord in support of this settlement agreement. The Landlord remains at liberty to serve the conditional Order of Possession on the Tenant if the Tenant fails to abide by any of the conditions of this settlement agreement. The Order of Possession will be effective two days after service on the Tenant;**
6. **The Landlord withdraws their Application in full as part of this mutually agreed settlement.**

At the conclusion of the hearing, I advised the parties that I would document their agreement in my Decision and supporting Order.

Upon further deliberation, a clarification is required regarding one of the terms of the agreement **which is, when the tenancy will end**, and **therefore**, I find it necessary to reconvene the hearing with both parties in order to seek clarification.

Issue(s) to be Decided

Is there a valid reason to cancel the ~~40-Day Notice~~ **1 Month Notice to End Tenancy** under the *Act*?

If the tenant is unsuccessful in seeking to cancel the ~~40-Day Notice~~ **1 Month Notice to End tenancy**, is the landlord entitled to an order of possession pursuant to Section 55(1) of the *Act*?

Conclusion

As a result of the above:

- **I order** this hearing will be reconvened on the date identified in the Notice of Hearing documents attached to this decision;
- **I order** that this is not an opportunity for the Landlord to submit a new Application to be crossed with this Application;
- **I order** that this is not an opportunity for the Applicant to amend their Application;
- **I order** that this is not an opportunity for either party to submit new evidence.

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

Dated: September 29, 2017

Corrected by Arbitrator October 16, 2017

Residential Tenancy Branch