



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, FF

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Manufactured Home Park Tenancy Act*. The tenant applied for an order directing the landlord to comply with the *Act*, and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Has the landlord contravened the *Act*? Is the tenant entitled to the filing fee?

Background and Evidence

The tenant moved his trailer onto the landlord's property sometime in 2006. The owner of the property passed away in June 2017. The owner's daughter represented the estate of the landlord. The parties explored several options to resolve this dispute and during this discussion both parties turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 56 of the *Manufactured home Park Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties confirmed that they had reached an agreement to settle these matters on the following terms:

1. The tenant agreed to move the trailer off the landlord's property by 1:00 p.m. on October 01, 2018. The landlord agreed to allow the tenant to keep his trailer on the property until October 01, 2018, rent free. An order of possession will be granted to the landlord effective this date.
2. The parties agreed to explore other combinations of rent free stay and compensation for the 12 month period starting October 01, 2017 and ending on October 01, 2018.
3. The parties stated that that they understood and agreed that the above particulars are binding and comprise **full and final settlement** of all aspects of the dispute for both parties.
4. The parties agree to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with Section 56 of the *Manufactured home Park Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this settled agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* to seek remedy.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

Conclusion

I grant the landlord an order of possession effective by **1:00 p.m. on October 01, 2018.**

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: December 07, 2017

Residential Tenancy Branch