



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lakeside Mobile Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

ERP, OLC

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for emergency repairs - Section 27; and
2. An Order for the Landlord’s compliance - Section 55.

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

Preliminary Matter

During the hearing the Tenant withdrew its claim for the Landlord’s compliance and the Landlord had no objection to that withdrawal. Given the Landlord’s position I allow the withdrawal and the Tenant remains at liberty to seek an order for the Landlord’s compliance in the future. During the hearing the Parties also reached an agreement to resolve the dispute over the emergency repairs as set out below.

Agreed Facts

The tenancy began on November 1, 2005. Rent of \$341.00 is payable on the first day of each month. Sewer has been intermittently backing up into the Tenant’s bathtub since October 2016. The problem has been repaired on an interim basis and since November 2017 there have been no further backups of sewer. The Tenant desires a fixed date for the final repairs and the Landlord does not have a problem agreeing to such a date.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Landlord will make final repairs to the sewage system no later than May 30, 2018; and**
- 2. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

The Parties confirm that this agreement was made on a voluntary basis and that the Parties understand the nature of this full and final settlement of the dispute over the sewer.

Section 63 provides that if the parties settle their dispute during dispute resolution proceedings, the settlement may be recorded in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above and I order the Landlord to act as agreed. Should the Landlord fail to make repairs as agreed the Tenant has leave to reapply for compensation and/or a rent reduction.

Conclusion

The dispute has been settled by mutual agreement as set out above.

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: March 09, 2018

Residential Tenancy Branch