



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KINGSEN HOLDINGS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenants' application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- Cancellation of a One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 40.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Both parties agreed that tenant S.T. personally served the landlord with the dispute resolution package in April 2018. Tenant S.T. testified that she thought she served the package on April 10<sup>th</sup> but could not be sure. The landlord could not confirm the date he received the package but that it could have been April 10, 2018. I find that the landlord was served with this package in accordance with section 82 of the *Act*.

I note that Section 48 of the *Manufactured Home Park Tenancy Act* (*Act*) requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the *Act*.

### Issue(s) to be Decided

1. Are the tenants entitled to cancel the Once Month Notice pursuant to section 40 of the *Act*?

2. If the tenants are unsuccessful in their Application for Dispute Resolution is the landlord entitled to an Order of Possession pursuant to section 48 of the *Act*?

### Analysis

Pursuant to section 56 of the *Act*, the Arbitrator may assist the parties to 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 the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The tenants agreed to remove all material from common property by May 31, 2018;
2. The tenants agreed to remove all items from their driveway, except licensed vehicles, by May 31, 2018;
3. The tenants agreed to remove all material from their side yard, except lawn furniture, by May 31, 2018;
4. Both parties agree that if condition #1, #2 or #3 is breached, this tenancy will end pursuant to a 60 day Order of Possession.
5. Both parties agree that if the tenants receive more than 5 noise complaints between May 15 and May 31, 2018 this tenancy will end pursuant to a 60 day Order of Possession.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached 60 day Order of Possession to be used by the landlord **only** if the tenants do not abide by the terms of Conditions #1, #2, #3 or #5 of the above agreement.

The landlord is provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do not abide by conditions #1, #2, #3 or #5 of the above monetary agreement. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: May 22, 2018

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Residential Tenancy Branch