



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, OLC, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated March 31, 2018.
- b. An order that the landlord comply with the Act, regulations and/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.

I find that the one month Notice to End Tenancy was personally served on the Tenant on March 31, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on April 16, 2018. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the one month Notice to End Tenancy dated March 31, 2018?
- b. Whether the tenants are entitled to an order that the landlord comply with the Act, regulations and/or tenancy agreement.
- c. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy initially began on September 1, 2016. The oral tenancy agreement provided that the tenant(s) would pay rent of \$675 per month payable in advance on the first day of each month. The tenants have rented a pad and they parked their fifth wheel on it. The tenants have vacated the rental unit although the fifth wheel and belongings still remain on the property. The tenant testified they have a claim for the cost of the addition which they built. The landlord testified she has a monetary claim against the landlord for damages and the cost of hydro. The

landlord has not filed an Application for Dispute Resolution. The tenants did not include a claim for a monetary order in their application. The tenants stated they need some time to detach the addition and remove the fifth wheel.

Settlement:

The parties reached a settlement and they asked that I record the settlement as follows:

- a. The parties mutually agree to end the tenancy on June 10, 2018 and the tenants shall remove their fifth wheel by that time.
- b. The parties ask the arbitrator to issue an Order of Possession for June 10, 2018.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective June 10, 2018. All other claims in this application are dismissed. Each party has alleged they have a monetary claim against the other. Each party retains the right to file a monetary claim with the Residential Tenancy Branch if they are unable to reach a settlement.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the 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: May 23, 2018

Residential Tenancy Branch