



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction:

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel the one month Notice to End Tenancy dated August 25, 2018

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.

The parties entered into settlement discussions rather than proceeding with litigation and reached a settlement.

I find that the one month Notice to End Tenancy was personally served on the Tenant on August 25, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business on September 11, 2018. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated August 25, 2018?

Background and Evidence:

The tenancy began approximately 23 years ago. The present rent is \$419.84 per month payable in advance on the first day of each month.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- Tenant has caused extraordinary damage to the unit/site or property/park
- Tenant has not done required repairs of damage to the unit/site

Settlement:

At the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 56(2) of the Manufactured Home Park Tenancy Act as follows:

- a. The Tenant(s) shall provide confirmation to the Landlord that the manufactured home and Addition is CSA approved or equivalent (silver seal inspection certificate) by November 30, 2018.
- b. The Tenant(s) shall replace the siding of the manufactured home with vinyl siding in accordance with the Rules of the Park by May 31, 2019.
- c. The Tenant(s) shall remove the Addition or replace the siding and roof of the Addition so that it complies with the Rules of the Park by May 31, 2019.
- d. The Tenant(s) shall remove the asphalt on the boulevard in front of his unit by May 31, 2018.
- e. The Tenant(s) shall park in the carport and refrain from parking on the boulevard immediately.
- f. The Tenant(s) shall fence in the propane tank using standard good neighbor fencing as required by the Park Rules and ensuring that it complies with Code requirements by November 30, 2018.
- g. The Tenant(s) shall comply with the Rules of the Park.
- h. The Tenant(s) withdraws the one month Notice to End Tenancy dated August 25, 2018 on a without prejudice basis.

Determination and Orders:

As a result of the settlement I ordered that the one month Notice to End Tenancy dated August 25, 2018 be cancelled on a without prejudice basis. The tenancy shall continue.

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*, SBC 2002, c. 77.

Dated: October 23, 2018

Residential Tenancy Branch