



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MONARCHY HOMES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPLC

Introduction

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

- an order of possession based on the landlord's 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park, dated January 23, 2018 ("12 Month Notice"), pursuant to section 48.

The landlord's agent ("landlord"), the landlord's lawyer and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord confirmed that his lawyer had permission to speak on his behalf at this hearing. This hearing lasted approximately 24 minutes.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing package. In accordance with sections 82 and 83 of the *Act*, I find that the tenant was duly served with the landlord's application.

The tenant confirmed receipt of the landlord's 12 Month Notice. A copy of the notice was provided for this hearing. The effective move-out date on the notice is January 31 2019. In accordance with sections 81 and 83 of the *Act*, I find that the tenant was duly served with the landlord's 12 Month Notice.

Settlement

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 and orders.

During the hearing, the parties discussed the issues between them, 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. Both parties agreed that this tenancy will end by 1:00 p.m. on February 10, 2019, by which time the tenant and any other occupants will have vacated the manufactured home site;
2. Both parties agreed that this tenancy is ending pursuant to the landlord's 12 Month Notice, dated January 23, 2018;
3. The landlord agreed that this settlement agreement constitutes a final and binding resolution of his application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant and any other occupants fail to vacate the manufactured home site by 1:00 p.m. on February 10, 2019. The tenant must be served with this Order in the event that the tenant and any other occupants fail to vacate manufactured home site by 1:00 p.m. on February 10, 2019. Should the tenant 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: January 10, 2019

Residential Tenancy Branch