



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AS, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause (the "Notice") issued on November 30, 2018, and to be allowed to assign or sublet.

Both parties appeared.

Then Notice was received on November 30, 2018. The tenant did not make their application to dispute the Notice within the statutory time limit of within 10 days. The tenant's application was filed on December 16, 2018, which is outside the statutory time limit as their last day to file their application was December 10, 2018.

Section 40(5) of the *Act* states, if a tenant who receives a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the manufactured site by the effective date of the Notice.

During the hearing the parties agreed to settle these matters, on the following conditions:

1. The tenant acknowledged that they did not have the permission of the landlord to sublet the site;
2. The parties agreed that the tenancy will continue **only** if the following condition is met;
 - a. The tenant will have the occupant (BM) vacate the manufacture home site no later than February 28, 2019; and
3. Should the tenant not comply with term 2(a) as above, the landlord is entitled to an order of possession of the site effective March 1, 2018.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

The parties were referred to section 28 of the *Act* and the Regulations for the proper requirements to assign or sublet the rental site.

Since the matter was resolved by settlement agreement, I decline to award the cost of the filing fee.

Conclusion

As a result of the above settlement, landlord is granted an order of possession, should the tenant fail to comply with the settlement agreement.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufacture Home Park Tenancy Act*.

Dated: January 29, 2019

Residential Tenancy Branch