



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FRASER VILLAGE MOBILE HOME
PARK and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI

Introduction

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

- dispute of a rent increase pursuant to section 36 of the *Act*; and
- recovery of the filing fee from the landlord pursuant to section 65 of the *Act*.

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.

As both parties were present, service of documents was confirmed. The tenants testified that they personally served the landlord with the Notice of Dispute Resolution Proceeding package and their evidence. The landlord confirmed receipt of the tenants' evidence but testified that he was not provided with Notice of Dispute Resolution Proceeding package and was provided with the incorrect dispute code. As such, the landlord took it upon himself to contact the Residential Tenancy Branch to obtain the information needed to respond to this dispute. The landlord testified that he served his evidence to the tenants by Canada Post registered mail, which was confirmed received by the tenants. As I was able to confirm with the landlord that he had received sufficient information to respond to this dispute and did not require an adjournment, I find that based on the testimonies of the parties, the landlord was sufficiently served with the documents for this hearing in accordance with the *Act*.

Issue(s) to be Decided

Is the Notice of Rent Increase issued by the landlord in accordance with 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, turned their minds to compromise and achieved a resolution of their dispute.

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

1. The tenants' monthly rent, which includes water, sewer and garbage, will increase to \$640.00 beginning January 1, 2020, and will be subject to annual rent increases in accordance with the *Act*.
2. The landlord will return to the tenants their uncashed cheque of \$360.00 and will provide the tenants with a cheque for \$105.00 as reimbursement for any overpayment in rent for the months of October, November and December 2019. The landlord will deliver the uncashed cheque and the cheque for \$360.00 to the tenants' mail box by no later than November 8, 2019.
3. The landlord will use the rent cheques previously provided to him by the tenants as payment for rent in the amount of \$640.00 for each of October, November and December 2019.
4. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the tenants' application for dispute resolution filed on September 30, 2019. As such, the tenants' application is dismissed in its entirety.

The parties continue to be bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

Conclusion

The landlord will make payment of \$105.00 by cheque to be received by the tenants by no later than November 8, 2019 and will return the tenants' uncashed cheque of \$360.00.

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the tenants the attached Monetary Order to be served on the landlord by the tenants ONLY if the landlord fails to pay the tenants per the terms of the settlement agreement. Should the tenants be required to serve this Order on the landlord, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court. If the landlord only makes a partial payment and not the total amount, this partial payment must be accounted for if the tenants are enforcing the Monetary Order.

This settlement is legal and binding on the parties and constitutes a full and final resolution of the tenants' application for dispute resolution.

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: November 04, 2019

Residential Tenancy Branch