



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Port4Homes Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* for An Order of Possession for Cause pursuant to sections 37 and 40.

The landlord attended the hearing, represented by property manager, MM. The tenant also attended the hearing, accompanied by her daughter. As all parties were present, service of documents was confirmed. The tenant confirmed receipt of the landlord's Application for Dispute Resolution and stated she had no issues with timely service of documents. The landlord testified she did not receive any of the tenant's evidence. The tenant testified she served the landlord with her evidence by email last week but cannot recall the exact date she did so.

Pursuant to section 3.15 of the Residential Tenancy Act Rules of Procedure, a respondent is required to serve evidence upon the applicant not less than 7 days before the hearing and in the manner stipulated by section 81 of the Act. As the tenant has not provided sufficient evidence to satisfy me this was done, the tenant's documentary evidence was not referred to in this decision.

Preliminary Issue

The landlord named the tenant with an alias in brackets in the Application for Dispute Resolution. The parties acknowledged that the tenant's name in the tenancy agreement does not include a secondary name in brackets. In accordance with section 55 of the Act, the name in brackets was removed from the tenant's name. The tenant's proper legal name is listed on the cover page of this decision.

Settlement Reached

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. I advised the parties on several occasions that there is no obligation to resolve the dispute through settlement and that if either party did not wish to resolve this matter through settlement, I was prepared to make a decision based on the evidence before me. 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. This tenancy will end at 1:00 p.m. on February 28, 2021 by which time the tenant and any other occupant will have vacated the manufactured home site.
2. The tenant agrees to put her manufactured home on the market for sale with a realtor by September 15, 2020.
3. The tenant agrees that her daughter and grandchild will no longer occupy the manufactured home site after August 31, 2020.
4. The tenant and her guests will abide by all the park rules and the tenancy agreement. If the tenant breaches any of the terms of the tenancy agreement, park rules, or this settlement agreement, the landlord is at liberty to file an application to end the tenancy before February 28, 2021.
5. The rights and obligations of the parties under the *Act* continue until the tenancy ends.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified 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 discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is to serve this

Order of Possession immediately and enforce it as early as 1:01 PM on February 28, 2021 should the landlord be required to do so.

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: August 11, 2020

Residential Tenancy Branch