



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPC, MNDC, FF*

### **Introduction**

This hearing dealt with an application by the landlord, pursuant to section 48 of the *Manufactured Home Park Tenancy Act* for an order of possession. The landlord also applied for a monetary order to recover loss under the *Act* and for the recovery of the filing fee.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The parties represented themselves. As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that he did not file any of his own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply. In this regard I find the landlord has applied for a monetary order to recover loss under the *Act*. As this section of the landlord's application is unrelated to the main section which is to obtain an order of possession, I dismiss this section of the landlord's application with leave to reapply.

Accordingly, this hearing only dealt with the landlord's application for an order of possession.

### **Issues to be decided**

Is the landlord entitled to an order of possession and to the recovery of the filing fee?

## **Background and Evidence**

The tenant moved into his mother's trailer sometime in 2003. The tenant's mother passed away in July 2020 and her estate is currently under the care of the Public Trustee. On June 26, 2020 the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice. The parties explored several options to resolve this dispute and during this discussion both parties turned their minds to compromise and achieved a resolution of their dispute.

## **Analysis**

Pursuant to Section 56 of the *Manufactured home Park Tenancy Act*, the Arbitrator may assist the parties 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 this hearing, the parties confirmed that they had reached an agreement to settle these matters on the following terms:

1. The tenant agreed to move out by 1:00 p.m. on October 31, 2020. The tenant agreed to contact his case worker at the Public Trustee and provide them with a copy of this decision.
2. The landlord agreed to allow the tenant to keep his trailer on the property until 1:00 p.m. on October 31, 2020. An order of possession will be granted to the landlord effective this date.
3. The tenant agreed to provide the landlord with contact information of the caseworker who is handling his mother's estate.
4. The parties stated that that they understood and agreed that the above particulars are binding and comprise **full and final settlement** of all aspects of the dispute for both parties.
5. The parties agree to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with Section 56 of the *Manufactured home Park Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this settled agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* to seek remedy.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the landlord's request to recover the filing fee paid for this application

**Conclusion**

I grant the landlord an order of possession effective by **1:00 p.m. on October 31, 2020.**

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 31, 2020

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Residential Tenancy Branch