



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AS, OLC, CNLC, FFT

Introduction

Pursuant to section 51 of the Manufactured Home Park Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- cancellation of the One Month Notice to End Tenancy for Cause (the One Month Notice), pursuant to section 40;
- an order to allow an assignment or sublet when permission has been unreasonably denied, pursuant to section 58(1)(g);
- an order for the landlord to comply with the Act, the Manufactured Home Park Tenancy Regulation (the Regulation) and/or tenancy agreement, pursuant to section 55(3);
- cancellation of the 12 Month Notice for Landlord Conversion of Manufactured Home Park (the 12 Month Notice), under section 42; and
- an authorization to recover the filing fee for this application, under section 65(1).

Both parties submitted a signed document dated February 19, 2021 stating they settled this dispute and that “further adjudication is unnecessary”.

Rule of Procedure 5.0.1 states:

Withdrawing an application after the hearing has begun and is adjourned
Where a participatory hearing (a hearing that is scheduled to take place in person, by telephone or by videoconference) has begun but is adjourned by an arbitrator for continuation at a later date, a party seeking to withdraw that application must provide evidence of the other party’s consent to the withdrawal and that the parties have resolved all matters at issue in the application through a written agreement, such that continuation of the hearing is no longer necessary.

Although the arbitrator will issue a final decision in the matter under Rule 8.7 [Original decision], no orders reflecting the terms of the settlement will be issued under Rule 8.4 [Decision and orders based on settlement].

Required documents:

- the other party's written consent to the withdrawal
- the written agreement signed by both parties, setting out the parties' agreed resolutions to each of the matters at issue in the application.

As the parties have reached a settlement, the application does not disclose a dispute that may be determined under the Act. Thus, per section 55(4)(b) of the Act, I dismiss the application without leave to reapply. I make no factual findings about the merits of this application

Conclusion

I dismiss the application without leave to reapply.

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: March 03, 2021

Residential Tenancy Branch