



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT OLC

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (1 Month Notice) pursuant to section 40;
- authorization to recover the filing fee for this application, pursuant to section 65; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 55.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

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 agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The tenant agreed to remove the metal shed on or before May 31, 2022.
2. The tenant agreed to remove the current firewood lean-tos on or before May 31, 2022.

3. Both parties agreed that they would work together to design a replacement structure for the firewood lean-tos that is aesthetically pleasing while providing the tenant with the same functions as the old structure. Consideration will be given to conform with current municipal bylaws, as well as budget constraints.
4. The landlord agreed to cancel the 1 Month Notice dated July 12, 2021, which will have no force or effect. The tenancy is to continue until ended in accordance with the *Act*.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. 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.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As the matter proceeded by way of a settlement, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this filing fee.

Conclusion

Both parties agreed to settle the dispute. As both parties agreed to enter into a settlement agreement above, the landlord's 1 Month Notice, dated July 12, 2021 is cancelled and is of no force or effect. This tenancy will continue until ended in accordance with the *Act*.

The tenant's application to recover the filing fee is dismissed 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: November 26, 2021

Residential Tenancy Branch