



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR CNC OLC MNDCT

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 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day **Notice**") pursuant to section 39;
- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month **Notice**") pursuant to section 40;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 55; and
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$10,000 pursuant to section 60.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – Identity of Landlord

At the outset of the hearing, named respondent CT advised me that he is not properly named the landlord in this application. Rather, he stated that he is a shareholder of the landlord, corporate entity HH. He stated that the tenancy agreement is between the prior owner of the manufactured home park and the tenant, and that HH amalgamated with the prior owner, thus becoming the landlord, about three years ago.

The tenant agreed with this and consented to amending the application to remove CT as a respondent and replace him with HH. As such, I order that this be done.

Settlement

Pursuant to section 56 of the Act, an 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, engaged in a conversation, 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 and future issues relating to the tenancy:

1. The tenant will provide the landlord with vacant possession of the manufactured home site on or before January 16, 2021 at 1:00 pm.
2. The landlord waives any entitlement to outstanding rental arrears.
3. The tenant waives any entitlement to the monetary order sought in this application.

This comprises the full and final settlement of all aspects of this dispute and all future disputes relating to this tenancy between the parties. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this and all future disputes relating to the tenancy between them.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on January 16, 2022.

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 16, 2021

Residential Tenancy Branch