



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant, their agent, and the landlord's agent.

Neither party raised any issues with the service of evidence. However, the tenant did not submit any evidence as he was uncertain whether or not evidence from a previous file would be allowed in this proceeding. I explained that each hearing was based on evidence submitted and served by the parties in relation to each individual file and that evidence from previous files was not considered or reviewed for a current dispute, unless all of that evidence was submitted and served in relation to the current dispute. The tenant submitted he was comfortable relying on the landlord's evidence, as submitted.

I note that because this is an Application for Dispute Resolution submitted by the tenants seeking to cancel a notice to end tenancy issued by the landlord, Section 48 of the *Manufactured Home Park Tenancy Act (Act)* requires I issue an order of possession to the landlord if the landlord's notice complies Section 45 of the *Act* and I either dismiss the tenant's application or uphold the landlord's notice to end tenancy.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a One Month Notice to End Tenancy for Cause, pursuant to Section 40 of the *Act*.

Should the tenant fail to succeed in cancelling the One Month Notice to End Tenancy for Cause, it must be determined if the landlord is entitled to an order of possession, pursuant to Sections 45 and 48 of the *Act*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The tenant agrees to complete all required work, as described in the previous decision dated May 19, 2021 (file number recorded on the coversheet of this decision) and sell the manufactured home, no later than July 31, 2022;
2. Should the tenant fail to comply with point 1 of this settlement, the tenant will vacate the manufactured home park site.

As the sale of a manufactured home often involves the assignment of the tenancy to a new tenant with processes outlined in the *Act* and Manufactured Home Park Tenancy Regulation involving approval by the landlord of the new tenant, I advised both parties that they must follow the procedures and that the landlord cannot unreasonably withhold approval of the assignment of the tenancy.

The *Act* specifies that the landlord can only withhold consent in accordance with the circumstances prescribed in the regulations. I suggest that both parties review these requirements, and should they have any questions they should contact the Residential Tenancy Branch to speak with an Information Officer.

Conclusion

In support of this settlement and with agreement of both parties, I issue the landlord an order of possession effective **July 31, 2022 after service on the tenant**. This order must be served on the tenant only if the tenant fails to comply with this settlement. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: January 05, 2022

Residential Tenancy Branch