



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL, FFT, CNLC, OLC**

Introduction

This hearing was set to deal with a tenant's application to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice") under the Residential Tenancy Act and cancellation of a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park ("12 Month Notice") under the Manufactured Home Park Tenancy Act (MHPTA), as well as orders for compliance.

Both parties appeared and were represented during the hearing. The parties were affirmed and the parties were ordered to not record the proceeding. Both parties had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

The hearing was held over three dates. An Interim Decision was issued on December 16, 2021 and a second Interim Decision was issued on February 8, 2022. The Interim Decisions should be read in conjunction with this final decision.

As seen in the Interim Decision of December 16, 2021 I disposed of the matter pertaining to the 2 Month Notice on December 16, 2021 and found the Residential Tenancy Act does not apply to the tenant.

At the commencement of today's session, I heard the parties had reached a partial agreement since the hearing of February 8, 2022: that the tenant has a tenancy to which the MHPTA applies, that I have jurisdiction to resolve this dispute, and that I shall provide the landlords with an Order of Possession. The parties had not reached an agreement with respect to the effective date of the Order of Possession and had come prepared to this hearing to make submissions on that matter.

I noted that by way of the tenant's amendment, made on September 1, 2021, it appears the tenant was seeking cancellation of the 12 Month Notice, and I enquired as to whether the tenant was no longer seeking cancellation of the 12 Month Notice. The tenant clarified at today's hearing that she did not intend to indicate she was seeking cancellation of the 12 Month Notice. Rather, she was seeking that the effective date of the 12 Month Notice be extended. I determined that she had filed the Amendment outside of the time limit for disputing a 12 Month Notice in any event and I amended the tenant's Application for Dispute Resolution accordingly.

I informed the parties that I would try to facilitate a mutual agreement between the parties with respect to the effective date of an Order of Possession. The parties turned their minds to reaching a mutual agreement and one was reached during the hearing. Accordingly, I reflect the parties' mutual agreement by way of this decision and the Order of Possession that accompanies it.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession and if so, when should it take effect?

Background and Evidence

I was provided a copy of a 12 Month Notice that is in the approved form and duly signed and completed. The 12 Month Notice was served upon the tenant, in person, on or before July 31, 2021. The stated effective date on the 12 Month Notice reads July 31, 2022.

The parties reached an agreement during the hearing that the effective date of the 12 Month Notice is amended, by mutual consent, to read November 1, 2022 and the landlords shall be provided an Order of Possession with an effective date of November 1, 2022.

Analysis

Upon review of the 12 Month Notice submitted into evidence, I find that it meets the form and content requirements of the Act and it is valid and enforceable.

Although the effective date on the 12 Month Notice reads July 31, 2022 the parties reached an agreement that the effective date is amended to read November 1, 2022.

Pursuant to section 56 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties. As such, I authorize and order that the effective date of the 12 Month Notice is amended to read November 1, 2022 and I grant the landlord's request for an Order of Possession with an effective date of November 1, 2022.

In light of the above, with the landlord's copy of this decision, I provide an Order of Possession with an effective date of November 1, 2022 to serve and enforce.

Conclusion

The parties reached an agreement in resolution of this dispute that I have recorded by way of this decision and the Order of Possession that accompanies it. In recognition of the mutual agreement, I provide the landlords with an Order of Possession with an effective date of November 1, 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: March 11, 2022

Residential Tenancy Branch