



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, LRE, OLC
 OPC, ORL, FFL

Introduction

This hearing convened as a result of cross applications. In the Tenant's Application for Dispute Resolution, filed on June 8, 2022, the Tenants sought the following Orders:

- an Order canceling a 1 Month Notice to end Tenancy for Cause issued on May 30, 2022 (the "Notice");
- an Order that the Landlord:
 - make repairs to the manufactured home site;
 - be restricted from entering the manufactured home site; and,
 - comply with the *Manufactured Home Park Tenancy Act*, the *Manufactures Home Park Regulation*, and/or the manufactured home park tenancy agreement

In the Landlord's Application for Dispute Resolution, filed on July 8, 2022, the Landlord sought the following:

- an Order of Possession based on the Notice;
- an Order that the Tenants follow the Manufactured Home Park Rules; and,
- recovery of the filing fee.

The parties' Applications were originally set for hearing on October 25, 2022. The matter did not complete and was adjourned to November 7, 2022. The Tenants did not attend the second hearing as they were involved in a serious motor vehicle accident. As a result of their nonattendance, their Application was dismissed without leave and the Landlord was granted an Order of Possession. The Tenants applied for and were

granted review consideration of the November 7, 2022 Decision. A new hearing was ordered.

The new hearing was scheduled before me at 1:30 p.m. on December 16, 2022. Both parties called into the hearing. At that time the Tenant claimed the manufactured home site had been cleaned up considerably. I adjourned the matter to permit both parties to take photos of the site that day and submit them in evidence. This Decision must be read in conjunction with my Interim Decision of December 16, 2022. A review of branch records confirms the Landlord provided photos of the site on that date, the Tenant did not.

The hearing was adjourned to January 16, 2023. Both parties called into the January 16, 2023 hearing and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me.

The parties were cautioned that private recordings of the hearing were not permitted pursuant to *Rule 6.11* of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of this requirement and further confirmed they were not making recordings of the hearing.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

Settlement and Conclusion

During the hearing on January 16, 2023, the parties resolved matters relating to the Notice by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved this matter by agreement, I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of their settlement follow.

1. The Tenants shall make their best efforts to sell the manufactured home as soon as possible, and preferably before March 31, 2023.
2. The Landlord shall facilitate the sale of the Tenant's manufactured home by not unreasonably withholding consent to a rental agreement with a prospective purchaser.
3. Should the sale of the manufactured home not complete before March 31, 2023, the Tenants shall ensure the manufactured home is removed from the manufactured home site prior to this date, as the tenancy shall end and the Tenants shall vacate the manufactured home site by no later than **1:00 p.m. on March 31, 2023**.
4. The Landlord is granted an Order of Possession effective **1:00 p.m. on March 31, 2023**. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme 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 *Residential Tenancy Act*.

Dated: January 16, 2023

Residential Tenancy Branch