



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **TT: CNR CNC MNDCT RR PSF LRE RPP OLC FFT**
 LL: OPR OPN MNRL MNDL FFL

Introduction

This hearing dealt with two applications pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”). The Tenant made one application (“Tenant’s Application”) for:

- an order cancelling a Ten Day Notice to End Tenancy for Unpaid Rent dated February 2, 2023 (“10 Day Notice”) pursuant to section 39;
- an order cancelling a One Month Notice to End Tenancy for Cause dated February 2, 2023 (“1 Month Notice”) pursuant to section 40;
- an order for compensation or other money owed by the Landlord to the Tenant pursuant to section 60; and
- an order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided by the Landlord pursuant to section 58;
- an order for the Landlord to provide services or facilities required by the tenancy agreement or law pursuant to section 21;
- an order to suspend or set conditions on the Landlord’s right to enter the home site pursuant to section 63;
- an order for the Landlord to return the Tenant’s personal property pursuant to section 58;
- an order for the Landlord to comply with the Act, *Manufactured Home Park Tenancy Regulation* and/or the tenancy agreement pursuant to section 55; and
- authorization to recover the filing fee for the Tenant’s Application from the Landlord pursuant to section 65.

The Landlord made one application ("Landlord's Application") for:

- an Order of Possession for unpaid rent pursuant to section 39;
- an Order of Possession pursuant to a Tenant's notice to end tenancy pursuant to section 38;
- a monetary order for unpaid rent pursuant to section 60; and
- a monetary order for damages caused by the Tenant to the home site pursuant to section 60;
- authorization to recover the filing fee of the Landlord's Application pursuant to section 55.

The Landlord and Tenant attended this hearing. I explained the hearing process to the parties who did not have questions when asked. I told the parties they were not allowed to record the hearing pursuant to the *Residential Tenancy Branch Rules of Procedure*. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The Landlord stated he served the Notice of Dispute Resolution Proceeding ("Landlord's NDRP") for the Landlord's Application on the Tenant in-person. The Tenant acknowledged she received the Landlord's NDRP. As such, I find the Landlord's NDRP was served on the Tenant in accordance with the provisions of section 82 of the Act.

The Tenant stated she served the Notice of Dispute Resolution Proceeding ("Tenant's NDRP") for the Tenant's Application on the Landlord but could not recall the date of posting. The Tenant provided the Canada Post tracking number for service of the Tenant's NDRP on the Landlord. As such, I find the Tenant's NDRP was served on the Landlord in accordance with the provisions of section 82 of the Act.

Settlement Agreement

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.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The Tenant agrees to withdraw the Tenant's Application;
2. The Landlord agrees to withdraw the Landlord's Application;
3. The Landlord agrees to cancel the 10 Day Notice and 1 Month Notice;
4. The Tenant agrees to remove her truck, recreational vehicle and other personal possessions (collectively the "Tenant's Personal Possessions") from the home site by May 31, 2023;
5. The Landlord agrees to permit the Tenant to remove the Tenant's Personal Possession from the home site;
6. The Tenant agrees to pay the Landlord \$250.00 by e-transfer prior to removal of the Tenant's Personal Possessions and, in any event, by May 31, 2023; and
7. Other than for the terms of the settlement set out herein, each party mutually releases and forever discharges the other from any and all other claims that one party may have against the other party in respect of the tenancy for the home site between the Landlord and Tenant.

These particulars comprise the full and final settlement of all aspects of the Landlord's dispute against the Tenant and the Tenant's dispute against the Landlord. 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 claims made in the Landlord's Application and the Tenant's Application.

Conclusion

As the parties have reached a full and final settlement of all the claims set out in the Landlord's Application and Tenant's , I make no factual findings about the merits of the Applications.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Landlord:

1. an Order of Possession effective at 1:00 pm on May 31, 2023. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court; and
2. a monetary order requiring the Tenant to pay the Landlord \$250.00 effective on June 1, 2023. The Landlord is provided with the monetary order on the above terms and the Tenant must be served by the Landlord as soon as possible. This

monetary order may be filed and enforced by the Landlord in the Small Claims Division of the Provincial Court of British Columbia.

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: May 16, 2023

Residential Tenancy Branch