



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding ONETTEN HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR-MT
OPR-DR

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Manufactured Home Park Tenancy Act* (the “Act”). The matter was set for a conference call.

The Tenant’s Application for Dispute Resolution was made on February 7, 2023. The Tenant applied to cancel a 10-Day Notice to End Tenancy for Unpaid Rent, (the “Notice”) issued on February 5, 2023, and for more time to file to dispute the Notice.

The Landlord’s Application for Dispute Resolution was made on May 9, 2023. The Landlord applied for an order of possession to enforce a 10-Day Notice for Unpaid Rent and Utilities (the Notice) issued on February 5, 2023.

The Landlord and their Attorney (the “Landlord”), as well as the Tenant and their Advocate (the “Tenant”) attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and the Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision

This Settlement Agreement Decision should be read in conjunction with the Original Direct Request decision and order dated April 18, 2023, the Review Consideration decision dated April 27, 2023, the Decision correction dated April 28, 2023, the Review

Consideration decision dated April 28, 2023, and the Direct Request Interim decision and order correction dated May 2, 2023.

Issues to be Decided

- Should the 10-Day Notice issued on February 5, 2023, be cancelled?
- If not, is the Landlord entitled to an order of possession?

Background and Evidence

During the hearing, both parties expressed a desire to enter into a mutual agreement to extend the move-out date on the Notice.

Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing, and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Landlord and the Tenant agreed that this tenancy will end no later than November 30, 2023.
2. The parties agree that the Tenant may issue the Landlord 24 hours written notice to end the tenancy before November 30, 2023.
3. The parties agree that the Order of Possession dated April 18, 2023, will be reinstated.
4. Tenant agreed that they will either sell their manufactured home or they will move the manufactured home out of the manufactured home park no later than November 30, 2023.
5. The Landlord agrees that they will not unreasonably withhold tenancy approval for any purchaser the Tenant presents for approval, pursuant to sections 44, 45, 47 and 48 of the *Act*.
6. The parties agreed to abide by the terms of the tenancy agreement and their respective requirements under the *Act*, in a respectful manner, until this tenancy has ended in accordance with the *Manufactured Home Park Tenancy Regulations*.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed their understanding of the terms of the settlement agreement as full and final settlement of this matter.

Analysis

In order to enforce the conditions of the settlement agreement reached between the Landlord and Tenant, I order that the Order of Possession dated April 18, 2023, is reinstated.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I order that the Order of Possession dated April 18, 2023, is reinstated.

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: June 20, 2023

Residential Tenancy Branch