



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding 1235725 B.C. LTD
and [tenant name suppressed to protect privacy]

DECISION

Introduction

This hearing was convened in response to applications by the landlord and the tenant.

The landlord's application is seeking orders as follows:

1. For an order of possession; and
2. To recover the cost of filing the application.

The tenants' application is seeking orders as follows:

1. To cancel a One Month Notice to End Tenancy for Cause, (the "Notice") issued on April 25, 2023;
2. To suspend or set conditions on the landlord's right to enter the site;
3. To have the landlord comply with the Act.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions.

The tenant has listed multiple issues in their application; however, they do not appear to be a claim, just simply stating they own their own home and have not violated the tenancy agreement. The only issue for me to determine is whether the Notice is valid.

Issue(s) to be Decided

Should the Notice be cancelled?

Background and Evidence

The tenancy began in 2008 and the tenant rents a site where their manufacture home is located.

The landlord stated that they issued the Notice because the tenant has erected a temporary structure that is said to be a carport. However, the tenant did not complete proper form "Procedure for Requesting Approval of Site Improvements", did not provide a blueprint or obtained any permits. The landlord stated that they are willing to work with tenant.

The tenant stated that they did not provide the landlord with the documents; however, they first provided the landlord with a not to scale drawing and they said it was to high and said it had to be no higher than 12 feet, which the structure they build does not exceed that. The tenant stated because the landlord was taking to long they started to erect the carport, which they have not completed because of the Notice.

The tenant stated that one local authority requires blueprints to be provided and no permits were required at the time; however, that has since changed, and permits are required. The tenant stated they are willing to work with the landlord.

During the hearing the parties agreed to settle these matters, on the following conditions with the merits of the Notice not been heard or any finding made:

- 1) The tenant is to complete the required form "Procedure for Requesting Approval of Site Improvements" and give that form to the landlord within one week of today's hearing. The landlord will send the tenant a copy of the form today by email;
- 2) The landlord will review the tenant's request and will respond to the tenant within one week of receipt of the proper form and if granted, setting out the requirements of the carport, such as height or any other restrictions;
- 3) The tenant once approval has been received the tenant will take the requirements to a person qualified to draft up a blueprint with the landlord's specification and submit that blueprint to the proper authority and apply for all

necessary permits, which a copy must be given to the landlord within 30 days of receiving the landlord's approval; and

- 4) Should approval not be given or if the tenant does not comply with #1 or #3 the tenant must remove the structure within 30 days.

This settlement agreement was reached in accordance with section 56 of the *Residential Tenancy Act*.

I have not considered the recovery of the filing fee as the merits of the Notice were not heard and no findings were made.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufacture Home Park Tenancy Act*.

Dated: September 18, 2023

Residential Tenancy Branch