

## DECISION

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) and an extension of the time limit to dispute the 10 Day Notice under sections 46 and 66 of the Act
- an order to suspend or set conditions on the Landlord's right to enter the rental unit under section 70(1) of the Act
- an order requiring the Landlord to return the Tenant's personal property under section 65 of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- for an order of possession
- for a monetary order for unpaid rent

Both parties appeared and are noted on the covering page of this decision.

### Preliminary Issue

The Tenants did not serve the Landlord with their evidence, and their evidence was not filed in accordance with the Residential Tenancy Branch Rules of Procedures. Therefore, I have excluded the Tenant's evidence.

I am not prepared to consider the Landlord monetary order for unpaid rent as the Landlord's monetary worksheet that was given to the Tenants was said to blank. The Landlord is at liberty to reapply.

#### Settlement agreement

1. The parties agreed that the tenancy will end on November 15, 2024, the tenants are to remove the manufactured home, and all personal property from the land and shop.

#### Conclusion

As a result of the settlement agreement I grant the Landlord an order of possession should the Tenants fail to vacate the premises.

As this is a unique situation as there is a manufactured home on site, owned by the Tenants, on a 2-acre lot, and a shop which is nonconforming, and may have been altered to unauthorized living accommodations. The Tenants rent the entire site and shop structure under one agreement. I find it reasonable to grant the order of possession, under section 55 of the Act, and section 48 of the Manufacture Home Park Act to ensure there are no issues with enforcement.

As both parties paid to file their application I decline to award the filing fee to either party.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: October 1, 2024

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Residential Tenancy Branch