

## **DECISION**

### **Introduction**

The hearing dealt with applications for dispute resolution (Applications) from both parties under the *Manufactured Home Park Tenancy Act* (the Act).

In their Application, the Landlord seeks:

- An Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) under sections 39 and 48 of the Act;
- A Monetary Order for unpaid rent under section 60 of the Act;
- A Monetary Order for money owed or compensation for damage or loss under the Act, *Manufactured Home Park Tenancy Regulation*, or tenancy agreement under section 60 of the Act; and
- Authorization to recover the filing fee for their Application from the Tenant under section 65 of the Act.

In their Application, the Tenant seeks:

- An order cancelling the Notice under section 39(4)(b) of the Act; and
- An order setting or suspending the Landlord's right to enter the manufactured home site under section 63 of the Act.

A previous hearing took place on March 18, 2025. This Decision should be read in conjunction with the interim decision dated March 18.

### **Analysis**

Per section 56 of the Act, an arbitrator may assist the parties to settle their dispute. Section 57.2 of the Act states that 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 were able to reach a compromise and achieved a resolution of this dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in both Applications:

- The Tenant will provide the Landlord with vacant possession of the manufactured home site by April 30, 2025.
- The Landlord waives their right to any claims for unpaid rent or loss of rental income against the Tenant relating to this tenancy between the dates November 1, 2023 and April 30, 2025.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of both Applications.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, under section 57.2 of the Act, I issue an Order of Possession to the Landlord effective April 30, 2025. The Act does not specify the time tenancies end, so I deem 1:00 PM a reasonable time to require the Tenant to vacate the site, as this time matches the provisions section 37(1) of the *Residential Tenancy Act*, parallel legislation to the Act. The Order of Possession will reflect this accordingly.

As the parties have reached a settlement, I make no factual findings about the merits of the Applications.

As I am not deciding on the matters before me, I dismiss without leave to reapply the Landlord's request for the Tenant to pay the filing fee for their Application.

## **Conclusion**

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 PM on April 30, 2025. A copy of the Order of Possession is attached to this Decision and must be served on the Tenant as soon as possible. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia and enforced as an order of that 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 Act.

Dated: April 17, 2025

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Residential Tenancy Branch