



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he received the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) posted on his door by the landlord at 2:50 p.m. on March 6, 2012. The tenant also confirmed that the landlord's representative handed him a copy of the landlord's dispute resolution hearing package on March 21, 2012. I am satisfied that the landlord served the tenant with these documents in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This periodic tenancy for a pad rental for the tenant's manufactured home commenced on December 1, 2009. The current monthly pad rental is set at \$330.00, payable on the first of each month.

The landlord issued the 10 Day Notice identifying \$325.00 in rent owing for March 2012 and \$95.00 as outstanding from the previous month's rent.

The parties agreed that the tenant has paid \$340.00 since receiving the 10 Day Notice. The parties agreed that \$460.00 remains owing as of the date of this hearing. This amount included outstanding rent as of April 4, 2012 and the landlord's recovery of the \$50.00 filing fee for this application.

Analysis

Pursuant to section 56 of the *Act*, the dispute resolution officer 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.

Both parties agreed to resolve all issues in dispute between them under the following terms:

1. The tenant agreed to pay \$460.00 to the landlord by 5:00 p.m. on April 5, 2012.
2. Both parties agreed that if the tenant complied with the financial terms of this agreement, the landlord would cancel the 10 Day Notice of March 6, 2012 and the tenancy will continue.
3. Both parties agreed that if the tenant does not comply with the financial terms of this agreement, the tenancy will end by 1:00 p.m. on April 16, 2012, by which time the tenant will have removed his manufactured home from the landlord's property.
4. Both parties agreed that the above settlement constituted a final and binding resolution of all issues in dispute arising out of this tenancy at this time.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant does not comply with the financial terms of their agreement **and** does not vacate the rental premises in accordance with their agreement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, I issue a monetary Order in the landlord's favour in the amount of \$460.00. I deliver this Order to the landlord in support of the above agreement for use **only** in the event that the tenant does not abide by the terms of the above settlement. The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 *Manufactured Home Park Tenancy Act*.

Dated: April 05, 2012

Residential Tenancy Branch