



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Brown's Bay Resort Holdings Ltd dba Brown's Bay Resort, Marina & Ripple
Rock RV Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNLC

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was originally convened and conducted via teleconference on January 20, 2017. As per my Interim Decision of January 24, 2017 the original hearing was adjourned so that the parties could pursue a settlement agreement on the matters raised in this Application.

As noted in the interim decision, Section 48 of the *Manufactured Home Park Tenancy Act (Act)* requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to cancel a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park, pursuant to Section 42 of the *Manufactured Home Park Tenancy Act (Act)*.

Should the tenants be unsuccessful in seeking to cancel the 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park it must also be decided if the landlord is entitled to an order of possession pursuant to Section 48(1) of the *Act*.

Background and Evidence

Both parties submitted a copy of a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park issued by the landlord on December 8, 2016 with an effective vacancy date of December 31, 2017.

During the hearing the parties confirmed that they have reached a settlement in regard to the 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park issued on December 8, 2016.

The terms of the settlement are outlined in the letter dated January 19, 2017 from the landlord's legal counsel that had been submitted to the Residential Tenancy Branch as evidence for this proceeding. A copy of that letter is attached to this Decision.

Conclusion

I am satisfied the parties have reached this agreement which resolves the issues put forth in the tenants' Application for Dispute Resolution, which, in effect, cancels the 12 Month Notice to End Tenancy issued on December 8, 2016.

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: March 22, 2017

Residential Tenancy Branch