



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OAKDALE MOBILE HOME PARK
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL, OL, OPC, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Manufactured Home Park Tenancy Act* (the “Act”) for monetary compensation, an Order for the Tenant to comply, for an Order of Possession on a One Month Notice to End Tenancy for Cause (the “One Month Notice”), and for the recovery of the filing fee paid for the Application for Dispute Resolution.

The hearing was initially scheduled for July 18, 2019 and due to services issues was adjourned. An interim decision was issued on July 18, 2019. Due to an administrative error, the hearing was scheduled to be heard on September 23, 2019 with a different arbitrator. Through an interim decision dated September 24, 2019, the hearing was adjourned again and was scheduled to be heard on November 29, 2019. This decision should be read in conjunction with the interim decisions dated July 18, 2019 and September 24, 2019.

At the reconvened hearing on November 29, 2019, two agents for the Landlord were present (the “Landlord”), as was the Tenant, a law student, and a supervising lawyer (the “Tenant”). The Tenant confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Landlord’s evidence as received on August 7, 2019. The Landlord confirmed receipt of the Tenant’s evidence.

The Landlord submitted additional evidence prior to the reconvened hearing, which was not permitted as per the interim decision dated July 18, 2019. Therefore, the parties were notified that the additional evidence submitted by the Landlord would not be accepted.

The parties were affirmed to be truthful in their testimony and were provided with the opportunity to present evidence, make submissions, call witnesses and question the other party. However, during the hearing the parties reached a settlement agreement which will be outlined below.

Preliminary Matters

The Landlord applied for an Order of Possession on a One Month Notice dated June 28, 2019. However, the Landlord confirmed that the One Month Notice was cancelled through a previous dispute resolution proceeding with a decision dated August 28, 2019. Therefore, I find that the issue regarding the One Month Notice has been resolved and that the Landlord's claim for an Order of Possession has been withdrawn. Pursuant to Section 57(3)(c) of the *Act*, the Application for Dispute Resolution is amended to remove the claim regarding the One Month Notice.

Settlement Agreement

In accordance with Section 56 of the *Act*, parties may be provided the opportunity to settle their dispute and for an agreement reached to be recorded in the form of a decision and/or order. During the hearing the parties reached the following agreement:

1. The Landlord will cover the cost of the filing fee paid for this application.
2. By December 6, 2019, the Tenant will sort through the items located outside in the backyard area of the manufactured home site. The Tenant will make a pile of items that he would like to keep and a pile of "junk" items that can be disposed of.
3. After December 6, 2019, the Tenant agrees that the Landlord may have the items in the "junk" pile permanently removed.
4. The Landlord agrees to cover the cost of the removal of the items.

The parties both confirmed that they were entering into the settlement agreement voluntarily and of their own free will. They also confirmed their understanding that a settlement agreement is final and binding and that the agreement constitutes full resolution of the claims on the Application for Dispute Resolution.

Conclusion

The parties are ordered to follow the terms of the settlement agreement as outlined above.

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: December 2, 2019

Residential Tenancy Branch