



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE COMMUNITIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, LRE, OLC, FFT

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause; for an Order requiring the Landlord to comply with the *Manufactured Home Park Tenancy Act (Act)* or the tenancy agreement; for an Order suspending or setting conditions on the Landlord's right to enter the rental unit; and to recover the fee for filing this Application for Dispute Resolution.

The Tenant stated that the Dispute Resolution Package was delivered to the Landlord's business address, although he does not recall the date of service. The Advocate for the Landlord acknowledged receipt of these documents.

In November of 2019 the Tenant submitted evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was served to the Landlord, via email, although he cannot recall the date of service. The Advocate for the Landlord stated that evidence for these proceedings was not received. As the Tenant did not serve his evidence in accordance with section 81 of the *Act*, and the Landlord did not acknowledge receipt of the evidence, it was not accepted as evidence for these proceedings.

On December 09, 2019 the Landlord submitted evidence to the Residential Tenancy Branch. The Advocate for the Landlord stated that this evidence was served to the Tenant, via registered mail, on December 05, 2019. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On December 10, 2019 the Tenant submitted evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was not served to the Landlord. As the

evidence was not served to the Landlord, it was not accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause be set aside?

Is there a need for an Order suspending or setting conditions on the Landlord's right to enter the rental unit?

Background and Evidence

Prior to discussing any of the merits of this Application for Dispute Resolution, the Landlord and the Tenant mutually agreed to resolve all issues in dispute at these proceedings under the following terms:

- The tenancy will end, by mutual consent, on May 01, 2020;
- The Landlord will receive an Order of Possession, effective May 01, 2020;
- In the event the manufactured home is not sold by May 01, 2020, the Landlord will not enforce the Order of Possession, providing the Tenant is making reasonable efforts to sell the home and the Tenant is not living on the site;
- The Tenant will comply with all park rules for the duration of the tenancy; and
- The Tenant will have no contact with the individuals named on the bottom of the first page of this decision.

This settlement agreement was summarized for the parties on at least two occasions and all parties in attendance at the hearing indicated that they agreed to resolve this dispute under these terms.

All parties in attendance acknowledged that they understand they were not required to enter into this agreement and that they understood the agreement was final and binding.

Analysis

I find that all issues in dispute at these proceedings have been settled in accordance with the aforementioned terms.

Conclusion

All issues in dispute at these proceedings have been settled in accordance with the aforementioned terms.

On the basis of the settlement agreement the Landlord is granted an Order of Possession, which is effective at 1:00 p.m. on May 01, 2020. This Order may be served

on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement is recorded on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: December 20, 2019

Residential Tenancy Branch