



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes ET, FF

Introduction

This matter dealt with an application by the landlord for an early end to tenancy in relation to the rental of a manufactured home park pad occupied by the tenant's manufactured home.

The landlord and the tenant both appeared at the hearing and were afforded the opportunity to present evidence. I also advised both parties that I would consider all oral testimony as well as any documentary evidence that had been submitted prior to the hearing.

Issues(s) to be Decided

Is there sufficient evidence submitted to conclude that an early end of tenancy is required pursuant to the provisions of s. 49 of the Manufactured Home Park Tenancy Act?

Background and Evidence

I quote from the Manufactured Home Park Tenancy Act, s. 49:

Application for order ending tenancy early

49 (1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 40 [landlord's notice: cause], and
- (b) granting the landlord an order of possession in respect of the manufactured home site.

(2) The director may make an order specifying the date on which the tenancy ends and the effective date of the order of possession only if satisfied that

- (a) the tenant or a person permitted in the manufactured home park by the tenant has done any of the following:



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- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the manufactured home park, and
- (b) it would be unreasonable, or unfair to the landlord or other occupants of the manufactured home park, to wait for a notice to end the tenancy under section 40 [landlord's notice: cause] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The landlord's evidence as presented at the hearing is that the tenant's manufactured home is in a state of disrepair and has been rendered uninhabitable. The landlord provided documentary evidence that the home is infested with over 100 rats, is full of rat feces and is a detriment to other inhabitants of the park.

Most recently, on August 29, 2008 the Fire Marshall conducted an inspection and ordered the home locked and that the electricity be disconnected. The inspection ordered that the home not be inhabited.

The landlord states that the rats have started to migrate out of the home and have been sighted crossing the road and near other homes within the park. The landlord is of the opinion that the home is beyond repair and constitutes a significant health hazard, as well as significantly jeopardizing other homes in the park for possible infestation by the rats. The landlord is of the opinion that the home has very little monetary value and is in



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such disrepair it is unable to be moved.

The tenant's evidence is that she is willing to vacate the premises but needs time to either move the manufactured home or to sell it. The tenant also wants to be able to enter the home, which has been locked by the landlord, to retrieve her personal possessions. The tenant did not present any evidence to refute that given by the landlord in relation to the condition of the home.

Analysis

Both parties at the hearing did reach an agreement that the tenant would be allowed access to retrieve personal items, and that subject to the wearing of personal protective equipment, such access could be arranged through the park manager within the next seven days. I make an order to that effect and include it with my decision.

In reviewing the evidence I find that the current condition of the home does meet the criteria set out in the legislation and as such the landlord is entitled to an order of possession. I have taken into consideration the urgent needs of the landlord to protect their property and that of the other residents of the park as well as the predicament of the tenant in seeking to move or sell their home. Accordingly, I will grant the landlord an order of possession as stated below.

Conclusion

I order that the landlord allow access by the tenant and others to assist the tenant into the manufactured home to retrieve personal effects within seven days of receipt of this decision.

I order that the tenant deliver full and vacant possession of the manufactured home pad no later than 1:00 PM on October 22, 2008. This order may be filed with and enforced as an order of the Supreme Court of British Columbia and must be served upon the tenant.

In consideration of the current health condition of the tenant I make no order in regards to the filing fee.

Dated: September 12, 2008

Dispute Resolution Officer