



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for cause, that was served on the tenant by registered mail, which was mailed on June 1, 2009. The applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for this application for Dispute Resolution.

Decision and reasons

Both the landlord and tenant agree that the landlord served the tenant a section 40 Notice to End Tenancy on June 1, 2009.

The Notice to End Tenancy was as follows:

Landlord's notice: cause

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

Tenant has assigned or sublet the rental unit/site without landlord's written consent

The tenant testified that he has not filed any dispute of this Notice to End Tenancy.

Section 40(4), & Section 40(5) state:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the manufactured home site by that date.

Therefore since the tenant has not filed a dispute of the Notice to End Tenancy he is conclusively presumed to accepted the end of the tenancy and must vacate the manufactured home site.



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Conclusion

I find in favour of the landlord and have issued an Order of Possession for 5 p.m. on October 12, 2009. I further ordered that the respondent bear the \$ 50.00 cost of the filing fee paid for this hearing.

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

Dated: July 24, 2009.

Dispute Resolution Officer