

DECISION AND REASONS

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 49 of the *Manufactured Home Park Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenancy started in the mid 1970s. The current landlord purchased the Home Park on May 01, 2004 took over the existing tenancy.

The landlord filed a written statement regarding an incident that occurred on July 14, 2009. The landlord stated that the tenant drove his vehicle into another vehicle that belonged to his neighbour and narrowly missed hitting the neighbour. The landlord stated that this was done with intent to harm and was not an accident.

The landlord also agreed that the tenant was a long term tenant and this was the only incident of this nature. The tenant has a problem with alcohol and gets into verbal altercations with other residents of the Park. However, the landlord did not file any evidence of this.

Analysis

Section 49 is an extraordinary remedy that is reserved for situations in which there is a clear and present danger, or a genuine threat of imminent harm of such an extreme nature that it would warrant immediate intervention and removal of the tenant.

In addition to proving that there is cause to end the tenancy, in an application of this nature the landlord must clear a second hurdle. Under section 49(2)(b) of the *Manufactured Home Park Tenancy Act*, in order to establish a claim for an early end to tenancy, the landlord must establish that “it would be *unreasonable, or unfair* to the landlord, the tenant or other occupants of the residential property, to wait for a notice to end the tenancy under section 40” .

The landlord has served a one month notice to end for cause on July 21, 2009 with an effective date of August 31, 2009. Based on the documentary evidence and testimony of the parties, I am not persuaded that it would be unreasonable or unfair for the landlord to wait while a one month notice to end tenancy takes effect. While the landlord may have cause to end the tenancy upon one month’s notice, the landlord has not established grounds for an extraordinary remedy such as this. For the above reasons, I dismiss the landlord’s application to end tenancy early.

Conclusion

The landlord’s application is dismissed and she must bear the cost of filing this application.

Dated August 04, 2009.

Dispute Resolution Officer