



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC, O

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a 1 Month Notice to End Tenancy for cause issued September 30, 2010.

This application was scheduled to be heard via teleconference on November 4, 2010 at 10:30 a.m. The Landlord and his agent signed into the conference on time and were ready to proceed, however by 10:40 p.m., the Tenant had not yet signed into the teleconference. Therefore, the Tenant's application is dismissed without leave to reapply.

The Landlord's agent testified that the Tenant still occupies the rental site and asked for an Order of Possession.

Issue(s) to be Decided

- (1) Is the Landlord entitled to an Order of Possession?

Background and Evidence

Landlord's agent's testimony

The Landlord testified that the Notice to End Tenancy issued September 30, 2010, was handed to the Tenant at the rental site on September 30, 2010.

Analysis

Section 48(1) of the Act states:

Order of possession for the landlord

48 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant an order of possession of the manufactured home site to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

(emphasis added)

The Tenant's application to cancel the Notice to End Tenancy was dismissed and the Landlord's agent requested an Order of Possession.

I accept the Landlord's agent's testimony that the Tenant was duly served with the 1 Month Notice to End Tenancy on September 30, 2010. In this case, the effective end to the tenancy was October 31, 2010.

Therefore, the Landlord is entitled to an Order of Possession and I make that order **effective 2 days after service of the Order upon the Tenant.**

Conclusion

The Tenant's application is dismissed without leave to re-apply.

I grant the Landlord an Order of Possession **effective two days from service of the Order upon the Tenant.** This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: November 04, 2010.
