



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, OPT, AAT, AS, RR, O

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause, obtain an order of possession, allow access to the site, allow the tenant to assign or sublet, allow the tenant to reduce rent for repairs and other. Both parties participated in the conference call hearing.

Issues(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

This tenancy started March 1, 2009 with monthly pad rent of \$259.00. On November 6, 2010 the landlord served the tenant with a Notice to End Tenancy, Manufactured Home Site: inability to remove illegal person who is residing at site, refusing to remove boat from in front of trailer and tenant refuses to abide by park rules. The tenant has failed to comply with a material term; the tenant purports to assign the tenancy agreement or sublet the manufactured home site without first obtaining the landlord's written consent.

The landlord testified that the tenant's boarder has refused to remove his boat from in front of the mobile home where it is stored and into the storage compound that the park has provided tenants. The tenancy agreement clearly states that trailers and boats must be stored in the storage compound and that tenants may have 2 vehicles only parked in front of their mobile home. The landlord does not have any issues with the tenant of record and will not enforce the order of possession if the boarder vacates and the boat is moved into the storage area or off the property. The landlord stated that it was the boarder and not the tenant that brought this application forward.

The landlord has requested an order of possession for January 15, 2011 and this order will be enforced if the boarder has not vacated and not moved the boat into the storage area or off the property.

The tenant testified that her boarder is to vacate the mobile home and in this hearing January 15, 2011 was agreed to by all parties as a vacancy date. The boarder would not commit to the January 15, 2011 date even though the tenant is at risk of being

evicted if he does not vacate. All parties acknowledged in this hearing that they understood that the boarder was to vacate by January 15, 2011 or the tenant risk eviction from the park. The boarder also clearly understands that as he shares a kitchen and bathroom with the tenant who is his landlord; that his living arrangement does not fall under either the Residential Tenancy Act or the Manufactured Home Park Tenancy Act.

Analysis

Manufactured Home Park Tenancy Act - **40 Landlord's Notice: Cause**

(1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(g) the tenant

(i) has failed to comply with a material term, and

(ii) has not corrected the situation within a reasonable time after the landlord gives written notice to do so;

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to an order of possession.

Based on the documentary evidence and undisputed testimony of the landlord, I hereby order the tenant to remove the boat from in front of the mobile home and into the storage area or off the property no later than November 17, 2010.

The tenant's application is hereby dismissed.

Conclusion

The tenant's application is hereby dismissed.

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 pm, January 15, 2011**. This Order must be served on the Tenant and All Occupants 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 *Residential Tenancy Act*.

Dated: December 08, 2010.

Dispute Resolution Officer