



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, OPC

### Introduction

Some documentary 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.

### Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause. The applicants are also requesting recovery of their \$50.00 filing fee.

### Background and Evidence

On March 30, 2011 the landlord served the tenant with a one month Notice to End Tenancy for cause. The tenant admits that he received the notice from his son, on whom the notice was served.

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

The landlords are requesting an Order of Possession based on this notice.

### Analysis

The tenant has admitted that he received the one month Notice to End Tenancy for cause on March 30, 2011.

Sections 40(4) & 40(5) of the Manufactured Home Park Tenancy Act 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.

The tenants did not make an application for dispute resolution within 10 days, and in fact to date have made no application.

Therefore the tenants are conclusively presumed to have accepted the end of the tenancy and must vacate the manufactured home site.

I therefore allow the landlords request for an Order of Possession and recovery of the filing fee.

#### Conclusion

I have issued an Order of Possession that is enforceable 10 days after service on the tenants and also ordered that the tenants bear the \$50.00 cost of the filing fee.

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*.

**NOTE: THIS DECISION CORRECTS AND REPLACES THE DECISION I ISSUED ON June 1, 2011 , WHICH HAD A CLERICAL ERROR.**

Dated: June 07, 2011.

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Residential Tenancy Branch