



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 19, 2011 at 2:45 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding by posting it to the Tenant's door. Based on the written submissions of the Landlord, I find that the Tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession pursuant to section 55 of the *Residential Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- The application for dispute resolution which was initially created listing the Landlord as a mobile home park and was changed to list the Landlord's name as shown on the first page of this decision; and what originally filed under the *Manufactured Home Park Tenancy Act* and was changed to be filed under the *Residential Tenancy Act*; and
- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of a Manufactured Home Site Tenancy Agreement listing the mobile home park as the landlord and which was signed by all parties for a fixed term tenancy beginning April 1 2011, and ending on September 20, 2011 at which

point the Tenant is required to move out; for the monthly rent of \$350.00 due on last day of the month and a deposit of \$350.00 was paid; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued listing the mobile home park as the Landlord on, September 2, 2011 with an effective vacancy date of September 15, 2011 due to \$700.00 in unpaid rent.

Documentary evidence filed indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent on September 2, 2011 at 9:35 p.m. when it was posted to the Tenant's door in the presence of a witness.

Analysis

The supporting evidence which includes a Manufactured Home Park Tenancy Agreement and the 10 Day Notice indicates the Landlord is a mobile home park and that this application falls under the *Manufactured Home Park Tenancy Act*. That being said the Landlord changed his application to indicate this application fell under the *Residential Tenancy Act* and he personally was the Landlord.

In the presence of the aforementioned contradictory information, I find this application does not meet the requirements of the Direct Request Process and accordingly it is hereby dismissed.

Conclusion

I HEREBY DISMISS this application.

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: September 23, 2011.

Residential Tenancy Branch