



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

CNR, MNDC, PSF, RR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant seeking an order to cancel a Ten Day Notice to End Tenancy for Unpaid Rent, a monetary order, an order to reduce rent for repairs, facilities or services not provided and an order to force the landlord to provide services and facilities required by law.

This matter was set for hearing by telephone conference call at 9:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent landlord. Therefore, as the applicant did not attend the hearing by 9:10 a.m., and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

As the applicant tenant did not appear, the tenant's application, including the request for order to cancel a Ten Day Notice to End Tenancy for Unpaid Rent, a monetary order, an order to reduce rent for repairs, facilities or services not provided and an order to force the landlord to provide services and facilities required by law, was dismissed.

The landlord confirmed that the rental unit included both the manufactured home and the park pad which are owned by the landlord and rented to the tenant. Therefore, although the tenant's application was made under the Manufactured Home Park Tenancy Act, I find that this tenancy relationship is actually governed by the Residential Tenancy Act. Accordingly, I find it necessary to amend the tenant's application to reflect that the matter was determined under the Residential Tenancy Act and not the Manufactured Home Park Tenancy Act, which only applies to situations in which the landlord rents just the park pad, but not the home, to the tenant.

At the hearing the landlord made a request for an order of possession. Under the provisions of section 55(1) of the Residential Tenancy Act, upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy.

Conclusion

The tenant's application is dismissed without leave to reapply.

I hereby issue an Order of Possession in favour of the landlord effective two days after service to the tenant. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding and was 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: February 28, 2012.

Residential Tenancy Branch