



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, ET

Introduction

This was the hearing of an application by the landlord for an order for possession. The hearing was conducted by conference call. the landlord and the named tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The landlord applied pursuant to the *Manufactured Home Park Tenancy Act* for an order for possession pursuant to a Notice to End Tenancy for landlords use. She also requested an early end of tenancy.

The rental unit is the landlord's manufactured home located on a pad that she rents from the park owner. The tenancy in question is not governed by the *Manufactured Home Park Tenancy Act*, rather it is a residential tenancy under the *Residential Tenancy Act*.

The landlord sent the tenants a letter dated April 6, 2012. In the letter the landlord informed the tenants that the manufactured home park operator told her that that the tenants could no longer occupy her manufactured home. She said that the tenants: "will have to vacant the manufactured home by Monday April 30th as per Georgian Properties." (reproduced as written)

After she filed her application for dispute resolution the landlord gave the tenants a 10 day Notice to End Tenancy for unpaid rent. The Notice claimed that the tenants failed to pay \$700.00 in rent that was due on May 1, 2012. The tenant denied that there is any unpaid rent.

Analysis and conclusion

The landlord brought her application pursuant to the *Manufactured Home Park Tenancy Act* and she requested an order for possession pursuant to a Notice to End Tenancy for landlord's use. The applicant did not serve the tenant with such a Notice to End Tenancy this matter is not governed by the *Manufactured Home Park Tenancy Act* in any event. The landlord has not applied for an order pursuant to a 10 day Notice to End Tenancy for unpaid rent and I find that the landlord has not provided evidence to show that she is entitled to an early end of tenancy. The landlord's application for an order for possession is dismissed.

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: May 18, 2012.

Residential Tenancy Branch