



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession pursuant to a Notice to End Tenancy for Cause - Section 48; and
2. An Order for the recovery of the filing fee.

I accept the Landlord and Witness evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The tenancy began on September 1, 2007. Rent in the amount of \$755.00 is payable in advance on the first day of each month. No security deposit was collected by the Landlord. On May 23, 2012, the Landlord served the Tenant with a 1 Month Notice to End Tenancy for Cause (the “Notice”) by posting the Notice on the door. The Notice has an effective date of June 30, 2012. The Tenant has not filed an application to dispute the Notice and has not moved out of the unit. The Landlord withdraws his claim for recovery of the filing fee and requests an Order of Possession.

Analysis

Section 40 of the Act requires that upon receipt of a Notice to end Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date.

Based on the Landlord's evidence I find that the Tenant was served with the Notice. The Tenant has not filed an application to dispute the notice and must vacate the unit by June 30, 2012. Given these facts, I find that the Landlord is entitled to an **Order of Possession effective 1:00 p.m. June 30, 2012.**

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Conclusion

**I grant** an Order of Possession effective 1:00 p.m. June 30, 2012 to the Landlord. 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: June 28, 2012.

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Residential Tenancy Branch