



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing dealt with application by the landlord pursuant to the *Manufactured Home Park Tenancy Act*. The landlord applied for an order of possession and for the recovery of the filing fee. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began in August 2009. On August 30, 2012, the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice was that the tenant had not done the required repairs of damage to the unit and had breached a term of the tenancy agreement that was not corrected after written notice to do so. In his written submission, the landlord states that the tenant violated the *Act* by not repairing damage to the unit. He also describes the damage which includes siding and skirting that remains unwashed and unpainted.

The tenant testified that she had received the notice to end tenancy but did not dispute it because she did not have the financial means to do so.

Analysis

Based on the sworn testimony of both parties, I find that the tenant received the notice to end tenancy for cause on August 30, 2012. The tenant did not apply to dispute the notice.

Section 40(5) of the *Manufactured Home Park Tenancy Act* provides that tenants have 10 days in which to dispute a one month notice to end tenancy, failing which they are conclusively presumed to have accepted the end of the tenancy.

On reflection of the reasons advanced by the tenant, I find that the tenant has failed to prove that *exceptional circumstances* prevented her from filing for dispute resolution within the legislated time limit and accordingly uphold the notice to end tenancy.

Therefore pursuant to section 48(2), I am issuing a formal order of possession effective on or before 1:00 pm on November 30, 2012. This Order may be filed in the Supreme Court for enforcement.

The landlord agreed to withdraw his claim for the recovery of the filing fee.

Conclusion

The notice to end tenancy is upheld. I grant the landlord an order of possession effective on or before 1:00 pm on November 30, 2012.

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: October 24, 2012.

Residential Tenancy Branch