



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, LAT, FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the "Act") seeking to dispute an additional rent increase, to authorize the tenants to change the locks to the rental unit, to recover the filing fee, and "other", although details of "other" were directly related to the rent increase dispute mentioned above.

The tenants and the landlord attended the hearing and were affirmed. In the tenant's evidence, the tenant provided a copy of a 1 Month Notice to End Tenancy for Cause (the "Notice") dated August 30, 2012. The tenant stated that she received the Notice on September 5, 2012. The effective date on the Notice is September 30, 2012. The tenant testified she did not apply to cancel the Notice when she filed her application on September 12, 2012.

Section 40 of the *Act* states that if a tenant who receives such a Notice does not make an application for dispute resolution, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice. The tenant must vacate the manufactured home site by that date.

Conclusion

Based on the testimony of the tenant, the tenant did not apply to cancel the Notice, and as a result, **I find** the tenancy ended on the effective date of the Notice, September 30, 2012.

A mutual settled agreement was proposed, however, both parties did not agree. As a result, **I dismiss** the tenant's application in full **without leave to reapply** as the tenancy ended on September 30, 2012.

The landlord may apply for an order of possession.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 17, 2012

Residential Tenancy Branch