



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

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Introduction

This hearing dealt with the landlords' application for dispute resolution under the *Manufactured Home Park Tenancy Act (the "Act")* seeking an order of possession for the manufactured home site as the result of a mutual agreement between the landlord and the tenant.

The landlords appeared; the tenant did not appear.

The landlord testified that he served the tenant with their Application for Dispute Resolution and Notice of Hearing by registered mail on May 24, 2013. The landlord provided the tracking number for the registered mail.

I find the tenant was served notice of this hearing in a manner complying with section 82 of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Are the landlords entitled to an order of possession for the manufactured home site?

Background and Evidence

The landlord submitted a copy of a document signed by the tenant and an authorized agent of the landlord, in which the tenant agreed that the tenancy would be terminated by 1:00 p.m. on July 1, 2013, and further that the tenant agreed to give up vacant possession of the premises.

The parties also agreed in the mutual agreement to an order of possession for the manufactured home site being issued in favour of the landlord by a Dispute Resolution Officer in accordance with the Act.

Analysis

Section 37(1)(c) of the Act states that one way a tenancy can end is when both parties agree in writing that the tenancy shall end and section 48 of the Act states that a landlord is entitled to an order of possession for the manufactured home site if there has been such written agreement. This section also states that an order of possession for the manufactured home site may be granted before or after the date the tenant is required to vacate.

In the case before me, I find the landlords submitted sufficient evidence that the parties agreed to end the tenancy and therefore the landlords are entitled to request and receive an order of possession for the manufactured home site.

I therefore grant the landlords an order of possession for the manufactured home site effective at 1:00 p.m. on July 1, 2013, pursuant to the terms of the written agreement to end the tenancy.

This final, legally binding order of possession is enclosed with the landlords' Decision and must be served on the tenant.

Should the tenant fail to vacate the manufactured home site pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

Conclusion

The landlords' application is granted and they are granted an order of possession for the manufactured home site, effective at 1:00 p.m. on July 1, 2013.

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 13, 2013

Residential Tenancy Branch

