



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Galloway Lumber Company Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPE

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession because employment with the tenant has ended.

The tenant and landlord attended the conference call hearing, gave sworn testimony. The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Preliminary Issues

The parties advised me there was an error in the dispute address. The parties did not raise any objections to the dispute address being corrected and this has now been amended.

Issue(s) to be Decided

- Is the landlord entitled to an Order of Possession because employment with the tenant has ended?

Background and Evidence

The parties agree that this month to month tenancy started on December 21, 2010. Rent for this pad is \$53.00 per month and is due on the 1st of each month.

The landlord testifies that the tenant's employment ended some time ago and the tenant was served a previous Notice to End Tenancy in June 2012 under the same grounds. The tenant asked for more time to move the home and the landlord granted the tenant additional time until August 2012. The landlord testifies that the tenant has now remained on the site for another year so the landlord served the tenant with another One Month Notice to End Tenancy on July 02, 2013 in person. This Notice informed the tenant that the tenancy must end because the tenant's site is part of an employment arrangement that has ended and the site is needed for a new employee. The Notice has an effective date of August 02, 2013.

The landlord testifies that this site is used for employees of the landlord and when that employment has ended the tenant must vacate the site to make room for new employees. The landlord has agreed to extend the time for the tenant to vacate the site to October 18, 2013 to give the tenant time to remove the home.

The tenant agrees that his employment with the landlord ended. The tenant testifies that he could not move the home because the tenant is on disability and would not qualify for a loan required to raise the money to move the home. The tenant testifies that the home is now for sale.

Analysis

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of that Notice about how the tenants can dispute the Notice by filing an application for Dispute Resolution within 10 days. The landlord has provided a copy of this Notice served upon the tenants on July 02, 2013. The

tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 41(6) of the *Act*. The Notice indicates an effective date of August 02, 2013 however this date has been amended as the landlord must provide one clear months Notice. The date of that Notice has therefore been amended to August 31, 2013 pursuant to s. 46 of the *Act*. The landlord is therefore entitled to an Order of Possession pursuant to s. 48 of the *Act*.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective on **October 18, 2013**. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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: September 18, 2013

Residential Tenancy Branch

