



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KB Properties Inc. and Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      O

### 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 landlord's agent (landlord hereafter) appeared; the tenant did not appear.

The landlord testified that they served the tenant with their Application for Dispute Resolution and Notice of Hearing by registered mail on August 9, 2013. The landlord provided the receipt and the tracking number for the registered mail, along with testimony that the registered mail was successfully delivered.

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 Dispute Resolution 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 August 31, 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.

In the case before me, I find the landlords submitted sufficient evidence that the parties agreed in writing 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. As the agreed upon date for vacant possession has passed, I find the order of possession for the manufactured home site is effective ten (10) days after service of the order upon the tenant.

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 ten days after service upon the tenant.

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 12, 2013

---

Residential Tenancy Branch

