



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding The Cedars Mobile Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the *Manufactured Home Park Tenancy Act* (the "Act") seeking an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause ("Notice").

The hearing began at 10:30 a.m. as scheduled and the telephone system remained open and was monitored for 12 minutes.

During this time, the applicants/tenants did not dial into the telephone conference call hearing; however the landlord's agent was present and ready to proceed with the hearing. During the hearing, the landlord made an oral request for an order of possession for the manufactured home site.

I note that the tenants were previously in dispute resolution seeking cancellation of a previous Notice, which resulted in the previous park manager being issued an order of possession for the manufactured home site, dated February 5, 2013, effective at 1:00 p.m. on August 31, 2013.

The landlord's agent here stated that since that order of possession for the manufactured home site was issued on February 5, 2013, the manufactured home park has changed ownership and park managers. Additionally the landlord's agent stated that they issued the tenants another 1 Month Notice to End Tenancy for Cause on November 15, 2013, as the tenants have failed to vacate the manufactured home site.

Analysis and Conclusion

In the absence of the tenants to present their claim, pursuant to section 10.1 of the Dispute Resolution Rules of Procedure (Rules), I dismiss the tenants' application, without leave to reapply.

As I have dismissed the tenants' application for dispute resolution, under section 48(1) of the Act, I must grant the order of possession to the landlord due to their oral request during the hearing.

I therefore grant the landlord an order of possession for the manufactured home site effective at 1:00 p.m. on May 31, 2014, which was the request of the landlord's agent.

This final, legally binding order of possession is enclosed with the landlord's Decision and must be served upon the tenants.

Should the tenants 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 tenants are advised that costs of such enforcement are recoverable from the tenants.

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* and is being mailed to both the applicants and the respondents.

Dated: December 06, 2013

Residential Tenancy Branch

