



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This is an application filed by the Landlord for an order of possession and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony.

The Tenant did not attend or submit any documentary evidence.

The Landlord states that the Tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on November 29, 2013 and has submitted a copy of the Customer Receipt Tracking number as confirmation.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that a written notice dated September 26, 2013 was issued to the Tenant to comply with park rules regarding unauthorized occupants residing in his unit. The Landlord states that the Tenant was served via regular post mail on October 18, 2013 for which a telephone call was received from the Tenant confirming receipt of the notice and a complaint disputing the notice. The Landlord states that the occupants were also served with a copy of the notice on October 18, 2013 for which they have complied by vacating the rental unit sometime after November 22, 2013.

The Landlord states that the Tenant failed to comply and was issued with a 1 month notice to end tenancy issued for cause dated October 18, 2013. The notice shows an effective vacancy date of November 17, 2013. The notice displays one reason for cause.

-Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The Landlord has provided a copy of the warning letter date September 26, 2013, which states "remove all un-screened and unauthorized people from #6 Prado Verde. Proper application and approval is required for all tenants by October 15, 2013." The Landlord has also submitted a copy of a handwritten note to the Tenant which states that the Tenant must comply with park rules by having other occupants approved by the park prior to moving in.

The Landlord states that she is unaware of the Tenant filing any applications for dispute resolution to dispute the 1 month notice to end tenancy issued for cause dated October 18, 2013.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been served with the 1 month notice to end tenancy issued for cause dated October 18, 2013. The Tenant in failing to file an application to dispute the notice is conclusively presumed to have accepted that the tenancy is at an end. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The Landlord having been successful is entitled to recovery of the \$50.00 filing fee. I grant a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: January 21, 2014

