



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MNR, FF

Introduction

This is an application for an order of possession based on a notice to end tenancy that was given for cause a request for a monetary order for outstanding rent, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the hearing the applicants stated she is no longer requesting a monetary order for outstanding rent, and therefore the remaining issue is whether or not to issue an order of possession and recovery of the filing fee.

Background and Evidence

On July 4, 2014 the landlord personally served the tenant with a one-month notice to and tenancy for cause.

The tenant has filed no dispute of the notice to and tenancy, and has failed to comply with the notice.

The landlord is therefore requesting an order of possession or a soon as possible.

The tenant stated that he does not want to vacate the rental unit, however he admits he did not file a dispute of the notice to and tenancy.

Analysis

The landlord has served the tenant with the notice to end tenancy under section 40 of the manufactured home Park tenancy act.

Section 40(5) of the manufactured home Park tenancy act states:

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

- (a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

- (b) must vacate the manufactured home site by that date.

In this case the tenant has admitted he received the notice to end tenancy, and has admitted that he has not filed the dispute of the notice, therefore the tenant is conclusively presumed to accept the end of the tenancy and must vacate the manufactured home site.

I will therefore allow the landlord's request for an order of possession and recovery of her filing fee.

Conclusion

I have issued an order of possession that is enforceable 15 days after service on the respondent.

I have issued an order for the respondent to pay \$50.00 to the applicant to cover the filing fee.

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 24, 2014

Residential Tenancy Branch