



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mountain View MHP Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC / OPC

Introduction

In response to the tenant's application, this hearing was scheduled to commence by way of telephone conference call at 1:30 p.m. on November 10, 2014. 2 agents representing the landlord attended and gave affirmed testimony. By 1:45 p.m. the tenant had still not appeared and the hearing was ended.

The landlord's agents testified that they had been served with the tenant's application for dispute resolution and the notice of hearing. During the hearing the landlord's agents made an oral request for an order of possession in the event the tenant's application does not succeed.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on December 10, 2008. Monthly rent of \$338.00 is due and payable in advance on the first day of each month. Pursuant to section 40 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated October 10, 2014. The notice was served by registered mail and by posting on the unit door. A copy of the notice was submitted in evidence, and reasons identified in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenant filed an application to dispute the notice on October 21, 2014.

The incident leading to issuance of the 1 month notice occurred in the park on October 05, 2014. In the result, certain charges were laid against the tenant and he was ordered to comply with a total of 14 different conditions. Condition # 13 reads as follows:

Condition 13. You are not to attend at [the rental address] except once in the company of an RCMP Officer to obtain your personal belongings.

Analysis

Section 40 of the Act provides in part as follows:

40(1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(c) the tenant or a person permitted in the manufactured home park by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or...

(d) the tenant or a person permitted in the manufactured home park by the tenant has engaged in illegal activity that

(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park, or...

Section 48 of the Act addresses **Order of Possession for the landlord**, and provides in part:

48(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the manufactured home site to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant "significantly interfered with or unreasonably disturbed another occupant or the landlord," and that he "seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant." In the result, and in view of the landlord's agents' oral request for an order of possession, the tenant's application is dismissed, and I find that the landlord has established entitlement to an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **November 30, 2014**. This order must be served on the tenant. 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.

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: November 10, 2014

Residential Tenancy Branch

