



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

AA matter regarding MIRAE INVESTMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes opr

Introduction

The landlord has applied for dispute resolution regarding the tenancy at the above noted address, and requests an Order of Possession.

The tenant failed to attend the hearing, which was conducted by way of telephone conference call. I accept that the tenant was served with the Application for Dispute resolution hearing package by way of registered mail, sent to his post office box in Saskatchewan. This address has been consistently used and referenced by the tenant as his mailing address, and he has previously responded to the landlord, when registered mail was sent to this address. Under these circumstances, I order that the tenant was sufficiently served with the Application and the notice of this hearing, pursuant to section 64(2)(b) of the Manufactured Home Park Tenancy Act.

Issues to Be Decided

- Is the Notice to End Tenancy (the “Notice”) effective to end this tenancy, and entitle the landlord to an Order of Possession?

Background and Evidence

The tenant owns a manufactured home, which rests upon a pad rented in the landlord's Manufactured Home Park. This tenancy began prior to the landlord's ownership of the park in March 4, 2010. Pad rent is due each month, but no rent has been paid since January, 2014. As of the date of filing of the application, the tenant was in arrears in the sum of \$2,983.81. The tenant no longer resides in the home, as he is now working in Saskatchewan. On October 29, 2014, the landlord served a 10 day Notice to End Tenancy, by putting it into the tenant's mailbox at the trailer, as well as by sending it by registered mail to the tenant's mailing address in Saskatchewan.

Analysis

Pursuant to section 64(2)(1) of the Manufactured Home Park Tenancy Act, I order that the tenant was sufficiently served with the 10 day Notice to End Tenancy. The service date was October 29, 2014, and pursuant to section 83(a) it is deemed to have been

received the 5th day after mailing, which is November 4, 2014. As earlier stated, I have similarly ordered sufficient service of the application, and the notice of this hearing.

The tenant did not pay the rental arrears or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. In the absence of the required rental payment, or a dispute of the notice within the 5 day period set out in the Notice, the tenant is conclusively presumed to have accepted the end of the tenancy agreement on the effective date of the Notice, by virtue of section 39(5)(a) of the Manufactured Home Park Tenancy Act. As the effective date of the Notice has passed, the landlord has established a right to possession.

Conclusion

Pursuant to Section 48(2)(b) of the Manufactured Home Park Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. I further order that service can be made by way of registered mail to the tenant's mailing address, at the same address to which the prior documents were sent. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

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: December 15, 2014

Residential Tenancy Branch

