



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding San Stel Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession. The landlord attended and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was served by way of registered mail on January 13, 2015. Based on the affirmed / undisputed testimony of the landlord, I find that the tenants have been duly served with the hearing package pursuant to sections 82 and 83 of the Act. Despite this, the tenants did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to an order of possession under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began June 07, 2014. Monthly rent of \$538.56 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 November 24, 2014. The notice was served by posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown by when the tenants must vacate the unit is December 31, 2014. The reason identified in support of its issuance is 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

The landlord testified that events leading to issuance of the notice included disturbances arising from frequent and noisy partying into the early hours of the morning. Despite verbal and written warnings, the landlord testified that the disturbances continued.

The landlord's application was filed on January 09, 2015. There is no evidence before me that the tenants filed an application to dispute the notice, and the landlord testified that the tenants appear to have vacated the unit sometime during the third week of January 2015. The tenants have not informed the landlord of a forwarding address, and the manufactured home is presently still located on the manufactured home park site.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 1 month notice to end tenancy dated November 24, 2014. As the notice was served by posting on the unit door on that same date, pursuant to section 83 of the Act it is deemed to have been received 3 days later on November 27, 2014. The tenants did not file an application to dispute the notice within the 10 day period available to them for doing so pursuant to section 40(4) of the Act. The tenants are therefore conclusively presumed under section 40(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, 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 **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants 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: February 02, 2015

Residential Tenancy Branch

