



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PALOMAR SYNERGY INC.
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

OPL, MNR, MNDC, FF

Introduction

This Dispute Resolution hearing was convened to deal with an Application by the landlord for an Order of Possession based on a 12 Month Notice to End Tenancy For Conversion of Manufactured Home Park dated October 26, 2013.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

Issue(s) to be Decided

- Is the landlord entitled to an Order of Possession?
- Is the landlord entitled to monetary compensation?

Background and Evidence

The tenancy began in 2007 and the landlord issued *12 Month Notice to End Tenancy For Conversion of Manufactured Home Park* to end the tenancy effective October 31, 2014. After receiving the Notice in October 2013, the tenant filed an application for dispute resolution to dispute the Notice and in a decision dated December 20, 2013, the arbitrator dismissed the tenant's application without leave.

The landlord testified that, despite having the tenant's application for an order to cancel the 12 Month Notice dismissed, the tenant still refused to vacate on the effective date of the Notice and stayed on the site beyond October 31, 2014. According to the landlord, the tenant tried to negotiate an extension of 3 months offering the landlord rent of \$600.00 per month. The landlord testified that they did not agree with the proposed

extension and considered that the tenant was wrongfully over-holding. The landlord seeks an order of possession and monetary order for \$405.00 per month for the tenant's occupancy in the park in November 2014, December 2014 and January 2015.

The tenant acknowledged remaining on the site and residing in the park beyond the effective date of the 12 Month Notice. The tenant stated that, although her mobile home is still in the park, she has abandoned the unit and has permanently vacated the park. The tenant acknowledged living elsewhere and provided a forwarding address.

Analysis

I find that the landlord is entitled to an order of possession pursuant to the October 26, 2013 *12 Month Notice to End Tenancy For Conversion of Manufactured Home Park* which was found at a previous hearing to be valid and enforceable.

Based on the evidence, I find that the landlord is entitled under section 60 of the Act to monetary compensation of \$1,265.00 comprised of \$405.00 pad rent per month for 3 months and the \$50.00 cost of the application.

I hereby grant the landlord a monetary order for \$1,265.00. This order must be served on the tenant and may be enforced through BC Small Claims Court if unpaid.

I hereby issue an Order of Possession effective two days after service on the Tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted an Order of Possession based on a *12 Month Notice to End Tenancy For Conversion of Manufactured Home Park* and a monetary order for occupancy beyond the effective date of the Notice.

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 03, 2015

Residential Tenancy Branch

