



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession. The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)* by registered mail on September 18, 2015 in accordance with Section 82. Section 83 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for landlord's use of property; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 42, 48, 60, and 65 of the *Act*.

Background and Evidence

The landlord submitted the tenancy began approximately in 1993 as a month to a month tenancy for the current monthly rent of \$215.40 due on the 1st of each month.

The landlord submitted into evidence a copy of a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park issued on August 20, 2014 with an effective vacancy date of August 31, 2015. The Notice states: "The landlord has all necessary permits and approvals required by law and intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park."

The landlord submits the Notice was served on the tenant by registered mail on August 21, 2015. The tenant did not dispute the 12 Month Notice.

Analysis

Section 42 of the *Act* allows a landlord to end a tenancy if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.

Section 42(4) of the *Act* stipulates that a tenant may dispute a notice issued under Section 42 by submitting an Application for Dispute Resolution within 15 days of receiving the notice. Section 42(5) states that if the tenant does not submit an Application for Dispute Resolution within 15 days the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 18, 2015

Residential Tenancy Branch

