



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties Ltd. doing business as Stonecliff Parks Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPL; FF

Introduction

This is the Landlord's Application for Dispute Resolution seeking an Order of Possession; and to recover the cost of the filing fee from the Tenants.

The parties gave affirmed testimony at the Hearing.

The Landlord's agents testified that the Landlord served the Tenants with the Notice of Hearing documents and its documentary evidence by registered mail, sent September 18, 2015. The Tenant KH signed into the Hearing and acknowledged receipt of the Notice of Hearing and the documentary evidence at some point in September, 2015.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord issued a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park on August 20, 2014. The Tenant KH acknowledged receipt of the Notice to End Tenancy "at some point in September, 2014".

The Tenant KH stated that she filled out an Application to dispute the Notice, but acknowledged that she had not made/filed the Application. The Tenant KH acknowledged that the rental site is still occupied.

Analysis

The Landlord did not provide a copy of the tenancy agreement, or any other document which indicates that ET is a "tenant" of the Landlord's. Therefore, I dismiss the Landlord's Application for Dispute Resolution against ET. I accept that the Tenant KH received the Notice to End Tenancy in September, 2014. The Tenant KH did not file for dispute resolution, within 15 days of receiving the documents. Therefore, pursuant to Section 42(5) of the Act, the Tenant KH is conclusively presumed to have accepted that the tenancy ended on September 30, 2015. I find that the Tenant KH is overholding

and that the Landlord is entitled to an Order of Possession **effective 2 days after service of the Order upon the Tenant KH.**

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the **\$50.00** filing fee from the Tenant KH.

Conclusion

The Landlord is provided an Order of Possession **effective 2 days after service of the Order upon the Tenant KH.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord is provided a Monetary Order in the amount of **\$50.00** for service upon the Tenant KH. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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 19, 2015

Residential Tenancy Branch

