



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPL, FF

Introduction

This hearing was convened as the result of the landlord's application for dispute resolution under the Manufactured Home Park Tenancy Act ("Act"). The landlord applied for an order of possession for the manufactured home site pursuant to a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park ("Notice") and for recovery of the filing fee paid for this application.

The landlord's agents (hereafter "landlords") attended the hearing; however, the tenant did not attend.

The landlords stated that they served the tenant with their application for dispute resolution and notice of hearing by registered mail on September 18, 2015. The landlords stated that the tenant collected the registered mail as their tracking information shows that the tenant signed for the envelope.

Based upon the submissions of the landlords, I accept the tenant was served notice of this hearing and the landlord's application in a manner complying with section 82(1) of the Act and the hearing proceeded in the tenant's absence.

The landlords were provided the opportunity to present their evidence orally, to refer to relevant evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure ("Rules"); however, I refer to only the relevant evidence regarding the facts and issues in this decision

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the manufactured home site and to recovery of the filing fee paid for this application?

Background and Evidence

The landlords submitted that they did not know the date the tenant first moved into the manufactured home park, as the tenancy predated their ownership.

The landlord gave evidence that they served the tenant the Notice on August 21, 2014, via registered mail, listing an effective vacate date of August 31, 2015. The landlord submitted a copy of the Notice and stated that the tenant signed for the registered mail envelope.

The Notice explained the tenant had fifteen days to file an application for dispute resolution to dispute the Notice if they intended to challenge the Notice.

The landlord submitted that it appears the manufactured home has been damaged and abandoned by the tenant.

Analysis

Based on the undisputed oral and written evidence, I find the landlord submitted sufficient evidence to substantiate that the tenant was served a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park and the tenant did not file an application for dispute resolution in dispute of the Notice within fifteen days, or at all. I therefore find the tenant is conclusively presumed under section 42(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice, in this case August 31, 2015, and must vacate the manufactured home site.

Therefore, pursuant to section 48(3) of the Act, I find that the landlord is entitled to and I grant an order of possession for the manufactured home site effective 2 days after service of the order on the tenant. This order is enclosed with the landlord's Decision.

Should the tenant fail to vacate the manufactured home site pursuant to the terms of the order after it has been served upon him, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenant is advised that costs of such enforcement may be recoverable from the tenant.

As the landlord has been successful with their application, I grant them recovery of their filing fee of \$50.00. I grant the landlord a monetary order in the amount of \$50.00, and it is enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court. The tenant is advised that costs of such enforcement may be recovered from the tenant.

Conclusion

The landlord's application for an order of possession for the manufactured home site and recovery of their filing fee is granted.

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 16, 2015

Residential Tenancy Branch

