



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Fernie Mobile Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, OPC

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a one month Notice to End Tenancy for cause and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has the right to an Order of Possession and recovery of the filing fee.

Background and Evidence

The landlord testified that the tenant was served with a one month Notice to End Tenancy on September 25, 2015 and to date they have not been served with any dispute of that notice.

The landlords are therefore requesting an Order of Possession for as soon as possible and an Order for recovery of their \$50.00 filing fee.

The tenant testified that she did receive the Notice to End Tenancy from the landlord on September 25, 2015; however she did file a dispute of the Notice to End Tenancy with the assistance of the Women's Resource Center and therefore she is asking that the Notice to End Tenancy be canceled.

Analysis

I have carefully reviewed the information provided, and it is my finding that the tenant's application to dispute the Notice to End Tenancy was abandoned and therefore there is no dispute of the Notice to End Tenancy.

Section 40(5) of the Manufactured Home Park Tenancy act states:

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the manufactured home site by that date.

Therefore since the tenant did not follow through with a dispute of the Notice to End Tenancy, the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the manufactured home site.

I therefore allow the landlords request for an Order of Possession, and I Order that the tenants vacate the manufactured home site by 5:00 p.m. on January 31, 2016.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession to the landlord for 5:00 p.m. on January 31, 2016.

I have issued a monetary Order in the amount of \$50.00.

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: January 04, 2016

Residential Tenancy Branch

