



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC TRANSPORTATION FINANCING AUTHORITY and HOMELIFE  
PENINSULA PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing was scheduled to deal with a tenant's application to cancel a *12 Month Notice to End Tenancy for Conversion of Manufactured Home Park*. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

The tenant stated that he wished to withdraw his application. The tenant confirmed that he was agreeable to the landlord obtaining an Order of Possession with an effective date as indicated on the subject Notice to End Tenancy.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The month to month tenancy commenced April 6, 2012 and the tenant is required to pay rent of \$458.00 on the first day of every month. On January 22, 2016 the landlord's agent issued a *12 Month Notice to End Tenancy for Conversion of Manufactured Home Park* with a stated effective date of January 31, 2017 (herein referred to as the Notice) and on that same date the landlord's agent served the Notice upon the tenant by: posting it on the tenant's door; mailing it the tenant; and emailing a copy to the tenant.

As stated previously, the tenant filed to cancel the Notice but withdrew his application during the hearing.

The subject Notice was provided as evidence for my review. The Notice identifies the tenant and the landlords; provides the rental site address and an effective date; and is signed and dated by the landlord's agent.

### Analysis

Section 48 of the Act provides that I must provide the landlord an Order of Possession where:

**48** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the manufactured home site if

- (a) the landlord's notice to end tenancy complies with section 45 *[form and content of notice to end tenancy]*, and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice

[Reproduced as written]

Upon review of the Notice before me, I find that it meets the form and content requirements of section 45 of the Act. I have also upheld the Notice since the tenant withdrew his application to cancel it. Therefore, I find that all of the criteria of section 48(1) have been met and I provide the landlord with an Order of Possession with an effective date of January 31, 2017 to serve and enforce as necessary and appropriate.

### Conclusion

The tenancy shall end no later than January 31, 2017 and the landlord has been provided an Order of Possession to serve and enforce as necessary and appropriate pursuant to section 48 of the Act.

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: March 31, 2016

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Residential Tenancy Branch