



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1027110 BC LTD (WESTONE) & Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      Landlords: OPC, FF  
                                 Tenant: CNC

### Introduction

This hearing dealt with cross Applications for Dispute Resolution with the landlord seeking an order of possession and the tenant seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by two agents for the landlord and their 3 witnesses. The tenant did not attend the hearing.

The landlord provided documentary evidence to confirm 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 March 11, 2016 in accordance with Section 82. Section 83 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed.

In addition, I note that the hearing was originally scheduled as a result of the tenant's Application for Dispute Resolution seeking to cancel the 1 Month Notice to End Tenancy for Cause issued on February 19, 2016.

Based on the above, 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 cause and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 40, 48, 60, and 65 of the *Act*.

It must also be decided if the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to Section 40 of the *Act*.

### Background and Evidence

The landlord submitted into evidence the following relevant documents:

- A copy of a tenancy agreement signed by the parties on October 1, 2011 for a month to month tenancy beginning on October 1, 2011 for a monthly rent of \$506.44 due on the 1<sup>st</sup> of each month;
- A copy of a 1 Month Notice to End Tenancy for Cause issued by the landlord on February 19, 2016 with an effective vacancy date of March 31, 2016 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health or safety or lawful right of another occupant or the landlord; and put the landlord's property at significant risk; and the tenant has engaged in illegal activity that has or is likely to jeopardize a lawful right or interest of another occupant or the landlord; and
- A copy of a Proof of Service – Notice to End Tenancy form stating the landlord served the Notice by attaching a copy to the door of the tenant's home at 3:55 on February 19, 2016.

### Analysis

Section 40 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if the tenant or a person permitted in the manufactured home park by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park, seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or put the landlord's property at significant risk or the tenant or a person permitted in the manufactured home park by the tenant has engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord.

I accept the landlord has served the 1 Month Notice to End Tenancy for Cause as described above. In the absence of any other evidence I find the tenant received the Notice no later than February 22, 2016, pursuant to Section 83 of the *Act*. I also note the tenant submitted his Application for Dispute Resolution seeking to cancel the Notice on February 22, 2016. As such, I am satisfied the tenant received the Notice by February 22, 2016.

In the absence of the applicant tenant to submit and present any reasons as to why this Notice should be cancelled, I dismiss the tenant's Application for Dispute Resolution seeking to cancel the Notice. As such, I find the 1 Month Notice to End Tenancy issued on February 19, 2016 to be effective and enforceable.

Section 48 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord; give the address of the rental unit; state the effective date of the notice, state the grounds for ending the tenancy; and be in the approved form.

I find the 1 Month Notice to End Tenancy for Cause issued by the landlord on February 19, 2016 and submitted in the landlord's evidence complies with the requirements set out in Section 45.

Section 48(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

### 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 60 and grant a monetary order in the amount of **\$100.00** 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: April 11, 2016

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Residential Tenancy Branch

