



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes          OPC, FF

### Introduction

This hearing was convened in response to the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for Orders as follows:

Landlord:

- an order of possession for cause pursuant to section 48;
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The hearing was conducted by conference call. All named parties attended the hearing.

### Issues

Is the landlord entitled to an order of possession?

Is the landlord and/or tenant entitled to recover the filing fee for this application?

### Background and Evidence

The rental unit is a pad in a RV campground on which the tenant's 27 foot travel trailer is located. The trailer has a large built on addition attached to it which is used as a family room. The travel trailer is not motorized and would need to be towed in order to move it. The built on addition is a permanent structure which would have to be taken apart in order to move the trailer. There is no written tenancy agreement but the tenant has been renting the pad since May 1, 2016. The campground has a guest registration system and charges a monthly rate of \$550.00 plus G.S.T.

The landlord testified that on July 28, 2016 he served the tenant with the 1 Month Notice to End Tenancy for Cause by posting a copy to the door of the rental premises. The tenant acknowledged receiving the Notice on this date.

The tenant has not made an application to dispute the Notice but wished to rely on the landlord's application to dispute the reasons for the Notice.

### Analysis

Section 40 of the Act contains provisions by which a landlord may end a tenancy for cause by giving notice to end tenancy. Under this section, a tenant may dispute a 1 Month Notice by making an application for dispute resolution within ten days after the date the tenant received the notice. If the tenant wished to dispute the Notice, the tenant was obligated to make an application on or before August 8, 2016, which is 10 days after he received the 1 Month Notice. The tenant is not entitled to rely on the landlord's application to dispute the grounds in the 1 Month Notice.

If, as in the present case, the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, September 1, 2016.

Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 48 of the Act.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application. The landlord is granted a monetary order in the amount of \$100.00.

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 60 of the *Act*, I grant the landlord a Monetary Order in the amount of \$100.00. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: October 06, 2016

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Residential Tenancy Branch

