



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

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

- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 40

The hearing was conducted by conference call. The applicant tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy for this manufactured home site began on May 1, 2016. The parties entered into a rent to own contract whereby the tenant paid \$630.00 per month, of which \$300.00 was applied towards the purchase price of the manufactured home. The parties agreed the purchase price of the home was \$7500.00.

The landlord testified that on September 30, 2016 she personally served the tenant with the 1 Month Notice to End Tenancy for Cause. The notice has an effective date of October 31, 2016.

The tenant filed an application to dispute the Notice on September 30, 2016.

### 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 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, October 31, 2016.

In this case the tenant filed an application to dispute the Notice but did not participate in the Hearing. In the absence of the applicant tenant, I dismiss the tenant's application to cancel the Notice without leave to reapply and find the tenant is conclusively presumed to have accepted the tenancy ended.

I find that the Notice served by the landlord is in compliance with the Act and landlord is entitled to an Order of Possession pursuant to section 48 of the Act.

### 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.

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 23, 2016

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Residential Tenancy Branch