



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 by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The landlord attended the hearing and gave affirmed testimony, however, despite making an application for dispute resolution, the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant attended the call. Since the tenant has not attended the hearing, I dismiss the tenant's application without leave to reapply.

Issue(s) to be Decided

Should the landlord obtain an Order of Possession of the manufactured home site?

Background and Evidence

The landlord testified that the tenant was personally served with a 1 Month Notice to End Tenancy for Cause on September 5, 2016. A copy of both pages of the 2-page form has been provided by the tenant and it is dated September 5, 2016 and contains an effective date of vacancy of October 6, 2016. The landlord testified that it is a true copy of the notice given to the tenant, and that the landlord was present when the notice was personally served to the tenant.

The landlord also testified that rent is payable on the 1st day of each month.

Analysis

The *Manufactured Home Park Tenancy Act* states:

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.

I have reviewed the 1 Month Notice to End Tenancy for Cause, and I find that it is in the approved form and contains information required by the *Act*. However, the landlord testified that rent is payable on the 1st day of each month, and therefore the effective date of vacancy is changed pursuant to Section 46 of the *Act* to October 31, 2016.

Having dismissed the tenant's application, I grant an Order of Possession in favour of the landlord. Since the effective date of vacancy has passed, I grant the Order of Possession on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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 04, 2016

Residential Tenancy Branch