



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* for an order of possession pursuant to a notice to end tenancy for cause and for a monetary order for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Does the landlord have cause to end the tenancy? Did the tenant apply to dispute the notice?

Background and Evidence

The tenancy started about five years ago. The monthly rent is \$250.00 due in advance on the first day of each month. The tenant owns the mobile home and rents a pad from the landlord.

On October 05, 2016, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of November 05, 2016. The tenant was not sure of the date he received the notice to end tenancy but he agreed that he did not make application to dispute the notice.

Analysis

Based on the testimony of both parties, I find that the tenant was served with a valid two page notice to end tenancy for cause on October 05, 2016. The tenant agreed that he did not dispute the notice to end tenancy.

Section 40(5) of the *Manufactured Home Park Tenancy Act* provides that tenants have 10 days in which to dispute a one month notice to end tenancy. Pursuant to section 40 of the *Manufactured Home Park Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

The tenant agreed that he had not made application to dispute the notice to end tenancy and accordingly I uphold the notice to end tenancy. Pursuant to section 48(2), I am issuing a formal order of possession effective by 1:00 pm on November 30, 2016. This Order may be filed in the Supreme Court for enforcement.

Since the landlord made this application prior to the effective date of the notice to end tenancy, the landlord must bear the cost of filing his application

Conclusion

The notice to end tenancy is upheld. I grant the landlord an order of possession effective by 1:00 pm on November 30, 2016.

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 15, 2016

Residential Tenancy Branch