



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAPLE POOL CAMPSITE INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord pursuant to s. 48 of the *Manufactured Home Park Tenancy Act* (the “Act”) for an Order of Possession.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

I have reviewed all evidence and testimony before me but refer only to the relevant facts and issues in this decision.

Issue

The sole issue to be determined is whether the landlord is entitled to an Order of Possession pursuant to s. 55 of the Act.

Background and evidence

The landlord provided evidence that a 1 Month Notice to End Tenancy for Cause (the “Notice”) with an effective date of September 30, 2016 was personally served on the tenant on August 30, 2016 and the tenant confirmed this. The tenant also confirmed that he received the landlord’s Application for Dispute Resolution (the “Application”) dated October 4, 2016 on October 8, 2016.

Although on November 18, 2016 the tenant submitted some evidence in response to the Landlord’s Application, there was no evidence before me of an Application for Dispute Resolution having been made in the approved form by the tenant. I have also confirmed through the Residential Tenancy Branch Case Management System that there is no record of the tenant having filed an Application for Dispute Resolution.

Analysis

Section 40(4) of the Act states that a tenant may dispute a 1 Month Notice to End Tenancy for Cause by making an Application for Dispute Resolution within ten days of receipt of the 1 Month Notice.

Section 40(5) of the Act states that if a tenant does not make an Application for Dispute Resolution within 10 days, the tenant is “conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the manufactured home site by that date.”

As the tenant did not file an Application for Dispute Resolution within ten days of receiving the Notice, the tenancy ended effective September 30, 2016.

The tenant and the landlord both confirmed that the tenant has not yet vacated the site and that he has not paid November’s rent in full. The tenant is therefore not entitled to remain on the site until the end of November. Accordingly, I find that the landlord is entitled to a two day Order of Possession.

Conclusion

The landlord’s application is successful. The landlord is granted a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within two days of receipt of the Order, the landlord may enforce the Order in the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 24, 2016

Residential Tenancy Branch