



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Angelo Milia & Family Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPB FF

### Introduction

This hearing convened pursuant to six applications by the landlord for orders of possession. In the hearing, the landlord and two tenants reached a settlement agreement. I have detailed that agreement in a separate decision, the file numbers for which are recorded on the cover page of this decision.

At the beginning of the hearing the landlord's agent stated that they wished to withdraw the notice to end tenancy and the application for one of the four files I address in this decision. The respondent tenant in that matter, whose site number is 34, also called in to the hearing and did not oppose the withdrawal of the notice and application. I therefore dismissed that application.

The tenants in the three remaining files, whose site numbers are 1, 17 and 22, did not call into the hearing. The landlord submitted evidence to establish that these tenants were all served with the applicable application for dispute resolution and notice of hearing by registered mail sent on December 21, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants at sites 1, 17 and 22 were deemed served with notice of the hearing on December 26, 2016, and I proceeded with the hearing in the absence of those tenants.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for each or any of the tenants at sites 1, 17 and 22?

Is the landlord entitled to recovery of the filing fee for those respective files?

### Background and Evidence

On November 14, 2016, the landlord served the tenants at sites 1, 17 and 22 with notices to end tenancy for cause. The landlord served the tenants at site 17 by attaching the notice to the rental unit door. The landlord served the tenants at sites 1 and 22 by sending the notice via registered mail.

The notices to end tenancy all indicated that the reason for ending the tenancy was that the tenant(s) had breached a material term of their tenancy agreement and did not correct the breach within a reasonable time after written notice to do so. The landlord provided evidence that the tenants were all served with written notices on July 31, 2016, September 9, 2016 and October 4, 2016, informing them that under the Park Rules they were required to carry valid home owners' insurance. The landlord stated that none of the tenants at sites 1, 17 and 22 complied with this demand, before or after being served with the notices to end tenancy. None of these tenants applied to dispute the notices. The effective date of each notice to end tenancy is December 31, 2016.

### Analysis

I accept the landlord's evidence that the tenants were served with the notices to end tenancy. The tenants at site 17 are deemed to have been served with the notice on November 17, 2016. The tenants at sites 1 and 22 are deemed to have been served with the notice on November 19, 2016.

I accept the evidence before me that the tenants were served with written demands to correct a material breach of their tenancy agreements by failing to obtain valid home owners' insurance. The tenants did not apply to dispute the notices. I find that the tenants are conclusively presumed under section 40(5) of the Act to have accepted that the tenancy ended on December 31, 2016, the effective date of the notices. The landlord is therefore entitled to orders of possession for sites 1, 17 and 22.

As these applications were successful, the landlord is also entitled to recovery of the filing fees of \$100.00 each for these three applications.

### Conclusion

The landlord's application regarding the tenant at site 34 is dismissed.

I grant the landlord orders of possession effective two days from service. The tenant(s) must be served with the order of possession. Should the tenant(s) fail to comply with the

order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord monetary orders of \$100.00 each for recovery of the filing fees for the tenants at sites 1, 17 and 22. These orders may be filed in the Small Claims 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: February 1, 2017

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Residential Tenancy Branch