



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding King George Mobile Home Park Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

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

1. An early end to the tenancy and an order of possession - Section 49; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. I accept the Landlord’s supported evidence that the Tenant is represented by a 3rd party Agent and that the Landlord served this Agent with the application for dispute resolution and notice of hearing (the “Materials”) by registered mail in accordance with Section 89 of the Act. The Landlords were given full opportunity under affirmation to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an early end to the tenancy?

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

There is no written tenancy agreement. The tenancy started prior to the purchase of the mobile home park (the “Park”) by the Landlord in July 2016. Pad rent of \$750.00 is payable on the first day of each month.

Following a drug related death in the Park in April 2017 it was determined by police that the Tenant's unit was the source of the drug. On July 27, 2017 the police carried out a raid of the unit, found illegal drugs and stolen items, and made several arrests. Since that date the city has found the unit to be uninhabitable and a hazard, with the theft of power from the neighbouring unit. The Tenant and owner of the unit have taken no action in relation to the unit or the occupants. Persons are continuing to return to the unit and are living in a shed and tents in the back yard. There is a continual stream of persons and vehicles to and from the unit and the other residents are fearful.

Analysis

Section 49(2) of the Act provides that an order may be made specifying the date on which the tenancy ends and the effective date of the order of possession only if satisfied that the tenant or a person permitted in the manufactured home park by the tenant has engaged in illegal activity that, inter alia, has:

- adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park, or
- jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord ; and

it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy for cause to take effect.

Based on the undisputed evidence I find that persons permitted in the unit by the Tenant have engaged in illegal activity that has adversely affected the other occupants and the Landlord. I also accept that there has been a theft of power and find that the theft has also jeopardized the lawful rights or interests of the Landlord and other tenants. Given the undisputed evidence of several persons and vehicles continuing to occupy the site, I find that it would be unreasonable to wait for the service of a one month notice to end tenancy for cause to take effect. For these reasons I find that the

Landlord is entitled to an early end of the tenancy and is entitled to an order of possession.

As the application has been successful I find that the Landlord is entitled to recovery of the \$100.00 filing fee and I provide a monetary order for this amount to the Landlord.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant 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 an order under Section 67 of the Act for **\$100.00**. If necessary, this order 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: September 13, 2017

Residential Tenancy Branch