



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee.

The Landlords said they served the Tenants with the Application and Notice of Hearing (the “hearing package”) by registered mail on July 19, 2017. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord’s hearing package as required by s. 82 of the Act and the hearing proceeded with both the Landlord and the Tenants in attendance.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started on August 29, 2015 as a month to month tenancy. Rent is \$865.00 per month payable in advance of the 1st day of each month.

The Landlords said they issued a 1 Month Notice to End Tenancy for Cause dated June 12, 2017 by registered mail to the Tenant on June 12, 2017. The One Month Notice to End Tenancy for Cause has an effective vacancy date of July 31, 2017 on it. The Landlord continued to say the reason on the Notice was that the Tenants had breached a material term of the tenancy. The Landlords said they want to end the tenancy.

The Tenants said they did not make an application to dispute the One Month Notice to End Tenancy for Cause dated June 12, 2017 or the Landlord’s application. The female Tenant said she read the Notice to End Tenancy but she did not understand that she had to make an application to dispute the Notice. The male Tenant said they want to

move but they would like a reasonable amount of time to find a new home and complete the move. The Tenant continued to say his mother has health issues and his wife has a baby coming on November 1, 2017, so to move now or soon would be very difficult for them. The Tenant asked the Landlord to extend the tenancy to January 1, 2017.

The Landlord said he did not want to continue the tenancy and the Landlord requested an Order of Possession for October 31, 2017. The Landlord continued to say there have been a number of incidents with the male Tenant since January, 2017 and the Park management wants to end the tenancy on October 31, 2017.

The Parties agreed to discuss what will happen to the manufactured home on October 31, 2017 if the home is not sold by that time.

Analysis

Section 40(4) of the Act states that **within 10 days of receiving** a Notice to End Tenancy for Cause, a tenant may apply for dispute resolution. If the tenant fails to do this, then under section 40(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 83 of the Act, the Tenant is deemed to have received the Notice to End Tenancy 5 days after the Notice was sent by registered mail, or on June 17, 2017. Consequently, the Tenant would have had to apply to dispute the Notice by June 27, 2017.

I find that the Tenants have not applied to dispute the One Month Notice to End Tenancy dated June 12, 2017. Consequently, I find pursuant to s. 48(2) (b) of the Act that the Landlord is entitled to an Order of Possession to take effect on October 31, 2017 at 1:00p.m. as requested by the Landlord.

I also find that as the Landlord was successful in this matter therefore the Landlord is entitled to recover the filing fee of \$100.00 for this proceeding from the Tenants. A monetary order for \$100.00 is granted to the Landlord.

Conclusion

An Order of Possession effective October 31, 2017 and a Monetary Order in the amount of \$100.00 have been issued to the Landlord. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 19, 2017

Residential Tenancy Branch