



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This review hearing was convened in response to the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for Orders as follows:

Landlord:

- an order of possession for cause pursuant to section 48;

The hearing was conducted by conference call. All named parties attended the hearing and were given an opportunity to be heard and present evidence.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The rental unit is a pad in a Manufactured Home Park. The tenancy began on May 1, 2016 and the monthly rent is \$425.00.

The landlord testified that on April 12, 2017 the tenant was served with the 1 Month Notice to End Tenancy for Cause by posting a copy to the door of the rental premises. The tenant acknowledged receipt of the 1 Month Notice on this date.

The tenant has not made an application to dispute the 1 Month Notice. The tenant stated she has dyslexia and did not understand the Notice.

Analysis

Section 40 of the Act contains provisions by which a landlord may end a tenancy for cause by giving notice to end tenancy. Under this section, a tenant may dispute a 1 Month Notice by making an application for dispute resolution within ten days after the date the tenant received the notice.

If, as in the present case, the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, May 31, 2017.

The tenant's argument that she has dyslexia and that she did not understand the 1 Month Notice is unfortunately not a valid argument for failing to dispute the Notice. I note that the tenant did not dispute the Notice at all versus just a late application. The 1 Month Notice clearly notifies a tenant that they may be evicted if they do not respond to the Notice.

I find that the Notice served by the landlord is in compliance with the Act and landlord is entitled to an Order of Possession pursuant to section 48 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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 *Manufactured Home Park Tenancy Act*.

Dated: October 06, 2017

Residential Tenancy Branch