



Dispute Resolution Services

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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 ET, FF

Introduction

On September 21, 2017, the Landlord submitted an Application for Dispute Resolution requesting an early end of tenancy under the *Manufactured Home Park Tenancy Act* ("the Act"). The matter was scheduled as teleconference hearing. The owner ("the Landlord") of the property attended the hearing; however, the Tenant did not.

The Landlord testified that she served the Notice of Hearing to the Tenant in person on September 22, 2017, at the rental site. The Landlord provided a witness, Ms. K.H. who testified that she witnessed the Landlord serve the Notice of Hearing documents to the Tenant on September 22, 2017. I find that the Tenant was served with the Notice of Hearing.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary and Procedural Matters

The Landlord testified that on August 9, 2017 she served a 1 Month Notice To End Tenancy For Cause to the Tenant in person. The Landlord's witness testified that she witnessed the Landlord serve the 1 Month Notice to the Tenant on August 9, 2017.

The Landlord testified that the Tenant did not dispute the 1 Month Notice, and she believed this hearing was for an order of possession based on the 1 Month Notice to End Tenancy for Cause.

The 1 Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch. If a Tenant does not file an Application within 10 days, the Tenant is presumed to accept the Notice and must move out of the rental unit or vacate the site by the date set out on page 1 of the Notice. If the Tenant

does not file an Application, move or vacate, the Landlord can apply for an Order of Possession that is enforceable through the court.

The Landlord's application indicates that she applied for an early end of tenancy and to obtain an order of possession for the site.

Based on my finding that the Tenant was served notice of this hearing to deal with an early end to the tenancy, I permit the Landlord to amend her application to include an order of possession based on the 1 Month Notice To End Tenancy For Cause.

Issue to be Decided

- Has the tenancy ended?

Background and Evidence

The Landlord testified that the tenancy began approximately 9 months ago. She testified that she does not have a written tenancy agreement with the Tenant. She testified that the verbal tenancy agreement requires the Tenant to pay rent in the amount of \$520.00 each month, by the first day of each month.

The Landlord testified that the rental property is a campground that is permitted by the city to rent sites on a month to month tenancy basis. She testified that she follows the obligations under the Act with respect to these tenancies.

The Landlord testified that she received complaints from other occupants on the property that the Tenant was threatening to kill them and was urinating on his lot in full view of other occupants. She testified that the Police were involved because of the threats. She testified that she spoke to the Tenant about his behavior and when it did not improve she issued a 1 Month Notice To End Tenancy For Cause dated August 9, 2017. The Landlord provided a copy of the 1 Month Notice To End Tenancy For Cause dated August 9, 2017.

The Landlord testified that the Tenant did not dispute the 1 Month Notice To End Tenancy For Cause.

The Landlord is seeking an Order of Possession for the rental site.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant received the 1 Month Notice did not apply to dispute the Notice, and is therefore conclusively presumed under section 40(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlord is entitled to an order of possession, pursuant to section 48 of the Act, effective at 1:00 pm on October 31, 2017, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Section 65 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

Conclusion

The Tenant was served with the Notice of Hearing and did not attend the hearing. The Tenant did not file to dispute the 1 Month Notice to End Tenancy For Cause dated August 9, 2017. The Tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the Notice.

The Landlord is granted an order of possession effective at 1:00 pm on October 31, 2017. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

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 25, 2017

Residential Tenancy Branch