



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 OPC, FF

Introduction

On October 5, 2017, the Landlord submitted an Application for Dispute Resolution seeking an order of possession based on a 1 Month Notice To End Tenancy For Cause dated August 8, 2017. The Landlord also requests to recover the filing fee for the Application under the *Manufactured Home Park Tenancy Act* (“the Act”).

The matter was set for a conference call hearing. The Landlord attended the hearing; however the Tenant did not. The Landlord provided testimony that she served the Tenant with the Notice of Hearing using registered mail on October 6, 2017. The Landlord provided the registered mail receipt numbers as proof of service. I find that the Tenant was served with the notice of Hearing in accordance with sections 89 and 90 of the Act.

The hearing process was explained and the Landlord was provided the opportunity to present evidence orally and in written and documentary form, and make submissions to me. In this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental site?

Background and Evidence

On August 8, 2017, the Landlord served 1 Month Notice to End Tenancy for Cause to the Tenants by registered mail. The Landlord provided a copy of the 1 Month Notice.

The Landlord provided a registered mail receipt number and an email from the Tenants acknowledging receipt of the Notice. The Landlord indicated the following reason for ending the tenancy on the Notice:

- *Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.*

The 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.

There is no evidence before me that the Tenants disputed the 1 Month Notice.

The Landlord requested 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 Tenants received the 1 Month Notice and did not apply to dispute the Notice, and are 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 December 31, 2017, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenants to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution. I grant the Landlord a monetary order in the amount of \$100.00.

Conclusion

The Tenants were served with the Notice of Hearing but failed to attend the hearing. The Tenants failed to dispute the 1 Month Notice To End Tenancy For Cause dated August 8, 2017.

I grant the Landlord an order of possession effective on December 31, 2017. The Tenants must be served with the order of possession. Should the Tenants 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 a monetary order in the amount of \$100.00 for the cost of the filing fee.

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: December 14, 2017

Residential Tenancy Branch