



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RETIRE WEST COMMUNITIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") dated October 10, 2017.

The respondent landlord attended the hearing. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 a.m. Pacific Time on January 4, 2018, as per the Notice of a Dispute Resolution Hearing provided to the tenants. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed.

After the ten minute waiting period, the Tenants' application was **dismissed in full, without leave to reapply**.

Section 48 of the *Act* applies and states:

Order of possession for the landlord

48 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the manufactured home site if

(a) the landlord's notice to end tenancy complies with section 45 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I turn to the 1 Month Notice provided into evidence. The landlord testified that the 1 Month Notice was served to the Tenants by posting it to the door of their rental unit on October 10, 2017. Pursuant to section 83 of the Act, I find the Tenants are deemed to have received this Notice on October 13, 2017.

The effective date for the 1 Month Notice is November 30, 2017, which has already passed. I find the tenancy ended on that day. Section 45 of the Act requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the manufactured home site, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form. Pursuant to section 48 of the Act, and having reviewed the 1 Month Notice, which I find complies with section 45 of the Act, I grant the landlord an order of possession effective **two (2) days** after service on the tenants.

Conclusion

The tenants' application has been dismissed in full, without leave to reapply as the tenants failed to attend the hearing.

The landlord has been granted an order of possession effective two (2) days after service on the tenants. This order must be served on the tenants and may be enforced in 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: January 04, 2018

Residential Tenancy Branch