



# 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      CNC, FFT, OPC

### Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”).

The Tenant applied on July 11, 2018 for:

1. An Order cancelling a notice to end tenancy - Section 47; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on August 3, 2018 for:

1. An Order of Possession - Section 55.

### Preliminary Matter

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) by registered mail on August 4, 2018 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenant is deemed to have received the Materials on August 9, 2018.

As the Tenant did not attend to pursue its own application I dismiss the Tenant’s application. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started in May 2015. Rent of \$572.64.00 is payable monthly on the first day of each month. On June 25, 2018 the Landlord served the Tenant by registered mail with a one month notice to end tenancy for cause (the "Notice"). The Tenant has not moved out of the unit and has not paid rent, including September 2018. The Landlord confirms that the Notice is signed and dated by the Landlord, sets out the address of the rental unit, sets out the effective date of the Notice as July 31, 2018, states the grounds for the Notice, and is on the approved Residential Tenancy Branch (the "RTB") form. The Landlord requests an order of possession for as soon as possible.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that In order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Considering that the required form and content is contained on the Notice and given the dismissal of the Tenant's application I find that the Landlord is entitled to an order of possession.

Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant 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.

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

Dated: September 06, 2018

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Residential Tenancy Branch