



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenants' application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (1 Month Notice) pursuant to section 40.

The Applicants (tenants) did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package ("Application") and evidence. In accordance with sections 81 and 82 of the *Act*, I find that the landlord was duly served with the tenants' application and evidence. The landlord did not submit any written evidence for this hearing.

The landlord testified that the tenants were personally served with the 1 Month Notice to End Tenancy on May 25, 2019. Accordingly, I find that the 1 Month Notice was duly served to the tenants in accordance with section 81 of the *Act*.

Issues

Should the landlord's 1 Month Notice be cancelled?
If not, are the landlords entitled to an Order of Possession?

Background and Evidence

While I have turned my mind to all the documentary evidence properly before me and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of this application and my findings around it are set out below.

This month-to-month tenancy began approximately 2 years ago, with monthly pad rent currently set at \$595.00, payable on the first of each month.

The landlord served the tenants with a 1 Month Notice to End Tenancy on May 25, 2019 providing the following grounds:

1. Tenant has allowed an unreasonable number of occupants in the unit/site.
2. The tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord;
3. The tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety, or physical well-being of another occupant; and
4. The tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to jeopardize the health or safety or lawful right of another occupant or the landlord.
5. Tenant has not done the required repairs of damage to the unit/site.
6. Tenant has assigned or sublet the rental unit/site without the landlord's written consent.

The landlord provided undisputed testimony in this hearing as the tenants failed to attend. The landlord testified that he is seeking the end of this tenancy for several reasons. The landlord testified that the tenants have, and continue, to contravene the rules of the Manufactured Home Park. The landlord testified that the tenants have allowed additional occupants to reside there without the landlord's permission. The landlord testified that the tenants fail to keep the rental site in clean condition by leaving garbage and other personal belongings out, creating a mess. Lastly, the landlord testified that their dogs would get loose, and run around the Manufactured Home Park.

Analysis

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

In the absence of any evidence or submissions from the applicants, I order the tenants' entire application dismissed without liberty to reapply.

Section 48(1) of the *Act* reads as follows:

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 rental unit 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.

Based on my decision to dismiss the tenants' application for dispute resolution and pursuant to section 48(1) of the *Act*, I find that this tenancy ended on the effective date of the 1 Month Notice. I find that the 1 Month Notice complies with section 45 of the *Act*. Accordingly, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenants. If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

I dismiss the tenants' application without leave to reapply. I find that the landlord's 1 Month Notice dated May 25, 2019 is valid, and complies with section 45 of the *Act*.

I grant an Order of Possession to the landlord effective two **days after service of this Order** on the tenant(s). 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: July 8, 2019