



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 40; and,
- authorization to recover the filing fee for this application pursuant to section 65.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the tenant the opportunity to call. I confirmed the correct participant code was provided to the tenant.

Preliminary Matter – Non-Appearance of Tenants at the Hearing

The applicant tenant did not appear at the hearing. Rule 7.3 of the *Residential Tenancy Branch 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 reapply.

As the applicant tenant did not attend the hearing, and in the absence of any evidence or submissions, I order the tenant's application be dismissed without leave to re-file.

Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to section 48 of the *Act*?

Background and Evidence

The landlord testified that the tenant has been renting a space on the landlord's property for the tenant's manufactured home. The landlord testified that the city has recently advised that the landlord that she is not permitted to tenants in a manufactured home on the property. The landlord also testified that the city has advised her that she will be fined by the city if the tenant's manufactured home is not removed.

The landlord testified that she issued and personally served the One Month Notice on the tenant on June 6, 2019 with a stated move-out date of July 31, 2019. The One Month Notice stated that the tenancy was being ended because the rental unit must be vacated to comply with a government order.

The tenant filed this application to cancel the One Month Notice on June 17, 2019. The tenant paid the rent for August 2019.

Analysis

The tenant has made an application to cancel the landlords' One Month Notice and that application has been dismissed. Section 48 of the *Act* states that when a tenant's application to cancel a notice to end tenancy for cause is dismissed, I must grant the landlord an order of possession if the landlord has issued a notice to end tenancy in compliance with the *Act*. I find the form and content of the One Month Notice does comply with section 45 of the *Act*.

Furthermore, section 40(1)(j) of the *Act* permits a landlord to end a tenancy if the manufactured home site must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority. I accept the landlord's undisputed testimony that they needed to end this tenancy to comply with an order from a municipal government authority.

Accordingly, I find the landlord is entitled to an order of possession effective at 1:00 p.m. on August 31, 2019.

Conclusion

I order the tenant's application be dismissed without leave to reapply.

I find the landlords are entitled to an order of possession effective at **1:00 p.m. on August 31, 2019**. This order must be served on the tenant. If the tenant fails to comply with this order, the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: August 09, 2019

Residential Tenancy Branch