



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act*, for an order of possession pursuant to a notice to end tenancy for cause and for a monetary order for the recovery of the filing fee.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The parties represented themselves.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that he did not file any of his own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Does the landlord have cause to end the tenancy? Did the tenant apply to dispute the notice?

Background and Evidence

The tenancy started in March 2007. The current monthly pad rent is \$321.00 due in advance on the first day of each month. The tenant testified that in April 2019, his mother moved into his trailer and brought a considerable amount of her personal possessions. The tenant stored the boxes around that trailer. This resulted in clutter around the trailer that was unsightly.

Sometime at the end of April 2019, the landlord had a conversation with the tenant and informed him that the clutter was unacceptable and would need to be moved out of the home park. On June 18, 2019, the landlord received a warning letter from the Regional District Office regarding the unsightly premises. On June 21, 2019, the landlord served the tenant with a warning letter regarding the issue and gave the tenant some time to clean up the mess.

On July 09, 2019, the landlord carried out an inspection and found that the tenant had not made sufficient effort to remove clutter. The landlord filed photographs to support his testimony.

On July 10, 2019 the landlord the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of August 31, 2019. The reason for the notice was that the tenant had breached a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so. The tenant agreed that he had received the two-page notice but did not make application to dispute the notice.

Since the tenant did not move out on effective date of the notice, the landlord applied for an order of possession.

Analysis

Based on the testimony of both parties, I find that the tenant was served with a valid two-page notice to end tenancy for cause on June 10, 2019. The tenant agreed that he did not dispute the notice to end tenancy.

Pursuant to section 40 of the *Manufactured Home Park Tenancy Act.*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 48; I am issuing a formal order of possession effective by 1:00 pm on January 10, 2020. The Order may be filed in the Supreme Court for enforcement.

Since the landlord's application has been granted, I award the landlord the recovery of the filing fee.

During the hearing the landlord agreed to meet with the tenant and draw up a list of actions that the tenant needed to take. The tenant agreed to meet with the landlord and carry out the actions recommended by the landlord to resolve the issue of clutter and maintenance of the rental unit. The tenant agreed to complete the items on the list by January 10, 2020. The tenant understood that if the items were complete by this date the tenancy would continue.

The landlord agreed not to serve the tenant with the order of possession if the tenant completes the tasks assigned to him and documented in the list, by January 10, 2020.

Conclusion

I grant the landlord an order of possession effective by 1:00 pm on January 10, 2020

I grant the landlord a monetary order in the amount of \$100.00 towards the recovery 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: November 25, 2019

Residential Tenancy Branch