



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, FFL  
                              CNC-MT

### Introduction

This hearing was scheduled to convene at 9:30 a.m. on November 20, 2020 by way of conference call concerning applications made by the landlords and by the tenant. The landlords have applied for an Order of Possession for cause and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for more time than prescribed to dispute a notice to end the tenancy and for an order cancelling a notice to end the tenancy for cause.

The landlords' application names a company and an individual as applicants, and the individually named landlord attended the hearing and gave affirmed testimony. The tenant's application names another individual as landlord, who also attended the hearing and gave affirmed testimony. The line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call until 11 minutes into the hearing. The tenant attended at that time and advised that she has not served the landlords with the Application for Dispute Resolution.

The *Manufactured Home Park Tenancy Act* requires a party who makes an application to serve the other party with a hearing package containing the application and notice of the hearing within 3 days of making the application. Since the tenant has not done so, I dismiss the tenant's application without leave to reapply.

The tenant also gave affirmed testimony and the parties were given the opportunity to question each other and give submissions.

No issues with respect to service or delivery of evidence from the landlords were raised, and all evidence of the landlords has been reviewed and is considered in this Decision.

Issue(s) to be Decided

Have the landlords established that the One Month Notice to End Tenancy for Cause was issued in accordance with the *Manufactured Home Park Tenancy Act*?

Background and Evidence

**The first landlord (LJ)** testified that this month-to-month tenancy began several years ago, and the tenant still resides in the manufactured home situated in the manufactured home park. Rent in the amount of \$345.00 is currently payable on the 1<sup>st</sup> day of each month, and arrears are now \$690.00 in addition to late fees contained in the Park Rules.

On August 21, 2020 the landlords served the tenant with a One Month Notice to End Tenancy for Cause by pinning it to the gate of the tenant's site and a copy has been provided as evidence for this hearing. It is dated August 21, 2020 and contains an effective date of vacancy of September 25, 2020. The reason for issuing it states: "Tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The landlord further testified that there have been numerous RCMP cars showing up at the tenant's manufactured home causing uneasiness of other tenants due to suspicious activity. Also, 2 unlicensed vehicles have been sitting in the yard, contrary to the Park Rules which have been towed by the police.

Things get moved in and sometimes out of the property in the middle of the night, and there's lots of activity. Also, RVs are not permitted on the property and one arrived at the tenant's site. A guest of the tenant also removed a transmission out of a vehicle which can cause environmental issues, also contrary to the Park Rules, but after a few days the tenant got it cleaned up. The main issue is noise in the middle of the night waking other residents. The landlord has had 3 complaints from neighbours. A copy of the Park Rules has also been provided as evidence for this hearing.

**The second landlord (SC)** testified that the tenant has failed to pay rent for 2 months without reason. Also, her behaviour makes it difficult to manage the park. Police have attended too many times. Other tenants are very worried, and the landlord cannot explain the police presence, so the park appears unsafe.

**The tenant** testified that the tenant suffers from anxiety and a lot is going on in her life. The tenant does not agree that she has jeopardized anyone.

A vehicle belonging to a guest was towed for not having insurance, but the tenant wasn't aware of that. Nothing illegal has been brought into the tenant's home, but certain things have been stored there. The tenant also had her God-daughter residing with the tenant for a time and her things were stored there.

The tenant has resided in the manufactured home park for 8 years without any issues, is a single mother, and pretty much keeps to herself. There is no illegal activity on the property.

### Analysis

The *Manufactured Home Park Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. I have reviewed the One Month Notice to End Tenancy for Cause and I find that it is in the approved form and contains information required by the *Act*.

The *Act* also specifies that such a notice must be served prior to the date rent is payable, and must be effective at the end of the rental period. In this case, I accept the undisputed testimony of the landlord that it was served on August 22, 2020, and it is dated August 21, 2020. Therefore, the effective date of vacancy is changed pursuant to the *Act* to the nearest date that complies with the law, which is September 30, 2020.

Having dismissed the tenant's application, I grant an Order of Possession in favour of the landlord. Since the effective date of vacancy of September 30, 2020 has passed, I grant the Order of Possession effective on 2 days notice to the tenant.

Since the landlords have been successful with the application, the landlords are also entitled to recovery of the \$100.00 filing fee, and I grant a monetary order in favour of the landlords in that amount.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlords effective on 2 days notice to the tenant.

I further grant a monetary order in favour of the landlords as against the tenant pursuant to Section 60 of the *Manufactured Home Park Tenancy Act* in the amount of \$100.00.

This order is final and binding and may be enforced.

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 23, 2020

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Residential Tenancy Branch