



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction and Preliminary Issues

Pursuant to section 51 of the *Manufactured Home Park Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. The Tenants applied on October 15, 2021 for:

- an order cancelling a One Month Notice to End Tenancy for Cause dated October 8, 2021; and
- the filing fee.

The hearing teleconference started promptly at 9:30 a.m. and only the Landlords were present. The Landlords were affirmed, and indicated they had not been served the Notice of Dispute Resolution Proceeding Package by the Tenants. The Landlords testified they learned of the hearing by contacting the Residential Tenancy Branch (RTB).

As the Tenants did not serve the Landlord as required by RTB Rule of Procedure 3.1 and did not attend the hearing at the appointed date and time, I dismiss their application without leave to reapply.

Section 48 (1) of the Act states:

Order of possession for the landlord

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 manufactured home site 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.

As it is signed and dated by the Landlord, gives the address of the manufactured home site, states an effective date, states the grounds for ending the tenancy, and is in the approved form, I find the One Month Notice meets the form and content requirements of section 45 of the Act.

I accept the Landlords' unchallenged evidence documenting that a guest of the Tenants repeatedly brought an aggressive dog (now deceased) onto the property after the Landlord provided written notice to the Tenants that the dog's behavior was disturbing the quiet enjoyment of other residents, and I accept the Landlords' written submissions and photographs documenting debris scattered across the property, including household items, building materials, a non-functional vehicle, and a partially dismantled trailer, after written notice that the items needed to be removed.

Considering the above, and pursuant to section 48(1) of the Act, I find that the Landlords are entitled to an order of possession which will be effective two days after it is served on the Tenants.

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: March 2, 2022

Residential Tenancy Branch