



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on April 1, 2022. The Tenant applied to cancel a 1-Month Notice to End Tenancy for Cause, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act").

The Landlord (respondent) attended the hearing. However, the Tenant (applicant) did not. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 am Pacific Time on April 1, 2022, as per the Notice of a Dispute Resolution Hearing provided to the Tenant. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the respondent Landlord who was ready to proceed.

After the ten minute waiting period, the Tenant's application was **dismissed in full, without leave to reapply**.

The Landlord testified that the Tenant continues to occupy the home site. The Landlord further testified that he is seeking to end the tenancy because the Tenant has been repeatedly late paying rent almost every month for several years. I accept this undisputed testimony along with the Notice to End Tenancy, provided into evidence.

Section 48 of the *Act* applies and 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.*

[My emphasis added]

Under section 48 of the *Act*, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 45 regarding form and content, I must grant the Landlord an order of possession.

I find that the Notice complies with the requirements of form and content. The Landlord is entitled to an order of possession.

Conclusion

The Tenants' application to cancel the Notice is dismissed, in full.

The landlord is granted an order of possession effective **two days after service** on the tenant. 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: April 01, 2022

Residential Tenancy Branch