



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAPLE POOL CAMPSITE INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes    OPC, FFL

### Introduction

This matter was convened to address an Application for Dispute Resolution made by the Landlord on April 13, 2022, pursuant to the Manufactured Home Park Tenancy Act (the Act). The Landlord seeks an order of possession and an order granting recovery of the filing fee.

The corporate Landlord was represented at the hearing by JL, an agent. Two witnesses for the Landlord, TL and RW, also attended the hearing but their participation was not required. The Tenant attended the hearing and was assisted by GS, an outreach worker. JL, TL, RW, and the Tenant provided an affirmation at the beginning of the hearing.

On behalf of the Landlord, JL advised that the Tenant was served with the Notice of Dispute Resolution Proceeding package in person on April 27, 2022. The Tenant acknowledged receipt. No issues were raised with respect to service or receipt of these documents during the hearing. The parties were represented or attended the hearing and were prepared to proceed. Therefore, pursuant to section 64 of the Act, I find these documents were sufficiently served for the purposes of the Act.

The Tenant did not submit or serve documentary evidence in response to the application.

At the beginning of the hearing, the parties were advised that Rule of Procedure 6.11 prohibits the recording of dispute resolution hearings. The parties confirmed that the hearing was not being recorded.

The parties were given the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issues to be Decided

1. Is the Landlord entitled to an order of possession?
2. Is the Landlord entitled to recover the filing fee?

### Background and Evidence

The parties agreed the Tenant lives in a converted sea container on the rental property. The parties agreed the tenancy began about 15 years ago. Pad rent is currently \$360.00 per month.

On behalf of the Landlord, JL testified that a One Month Notice to End Tenancy for Cause was served on the Tenant in person on February 8, 2022 (the One Month Notice). A copy of the One Month Notice was submitted into evidence.

The One Month Notice was issued on the basis that the Tenant or a person permitted on the property by the Tenant significantly interfered with or unreasonably disturbed another occupant or the Landlord, or seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.

The Tenant acknowledged receipt of the One Month Notice but could not recall the moment of service.

### Analysis

Based on the affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

In this case, I find the Tenant was served with and received the One Month Notice on February 8, 2022. I also find the One Month Notice complies with the form and content requirements of section 45 of the Act.

Pursuant to section 40(4) of the Act, the Tenant had 10 Days after receipt of the One Month Notice – until February 18, 2022 – to dispute it by filing an application for dispute resolution. I find that the Tenant did not. Therefore, pursuant to section 40(5) of the Act, the Tenant is conclusively presumed to have accepted the tenancy ended on the effective date of the One Month Notice, which was March 31, 2022, and that the Tenant must vacate the site.

Considering the above, I find the Landlord is entitled to an order of possession, which will be effective two days after it is served on the Tenant. As discussed during the hearing, the parties are at liberty to negotiate a different resolution to this matter but are not required to do so.

Having been successful, I also find the Landlord is also entitled to recover the \$100.00 filing fee paid to make the Application. The Landlord is granted a monetary order for \$100.00.

### Conclusion

The Landlord is granted an order of possession which will be effective two days after it is served on the Tenant. The order of possession must be served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlord is granted a monetary order for \$100.00. The monetary order must be served on the Tenant. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: June 28, 2022

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Residential Tenancy Branch