



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened in response to an application by the tenants pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

- cancellation of a One Month Notice to End Tenancy For Cause, pursuant to section 40.

The hearing was conducted by conference call. The tenants did not attend this hearing, although I waited until 1:45 p.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 1:30 p.m. The tenants should have been aware of the hearing date, time and call in instructions as this dispute was initiated by the tenants and the tenants were required to serve a copy of the notice of hearing on the landlord.

The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

### Issues

Is the landlord entitled to an order of possession or should the One Month Notice be cancelled?

### Background and Evidence

The tenancy for this manufactured home site began on September 15, 2006.

The landlord served the tenants with the One Month Notice on June 7, 2022.

The tenant’s application to dispute the One Month Notice was filed on June 17, 2022, within the timelines permitted under the Act.

### Analysis

Section 40 of the Act contains provisions by which a landlord may end a tenancy for cause by issuing a One Month Notice. A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

Section 48(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with the form and content requirements under section 45 of the *Act*.

As the tenants failed to participate in this hearing, the tenants' application is dismissed in its entirety without leave to reapply.

Section 45 of the Act states as follows:

Form and content of notice to end tenancy

- 45 In order to be effective, a notice to end a tenancy must be in writing and must
- (a) be signed and dated by the landlord or tenant giving the notice,
  - (b) give the address of the rental unit,
  - (c) state the effective date of the notice,
  - (d) except for a notice under section 38 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
  - (e) when given by a landlord, be in the approved form.

I find that the One Month Notice served by the landlord meets the form and content requirements of section 45 of the Act. The One Month Notice was signed and dated by the landlord, provided the address of the rental unit, stated the effective date of the Notice, stated the grounds for ending the tenancy and was in the approved form.

Therefore, the landlord is entitled to an Order of Possession pursuant to section 48 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenants. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: August 23, 2022

---

Residential Tenancy Branch