



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

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## **DECISION**

Dispute Codes      CNC FFT

### Introduction

The tenant seeks an order cancelling a *One Month Notice to End Tenancy for Cause* (the “Notice”) pursuant to section 40 of the *Manufactured Home Park Tenancy Act* (the “Act”). They also seek to recover the cost of the application filing fee pursuant to section 65 of the Act.

### Preliminary Issue: Conclusive Presumption of Notice

The Notice was issued under section 40(1) of the Act. It meets the form and content requirements of section 45 of the Act. The Notice was served, according to the tenant’s application, in person on July 18, 2022. The tenant filed their application for dispute resolution on July 29, 2022, which is eleven days after receiving the Notice.

A tenant may dispute a notice to end tenancy under section 40(1) of the Act within 10 days after the day the tenant receives the notice (subsection 40(4) of the Act).

If a tenant does not make an application for dispute resolution in accordance with subsection 40(4) the tenant (a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice (in this case, the effective date was incorrectly referenced as July 18, when the corrected date is August 18), and (b) must vacate the manufactured home site by that date. Therefore, it is my finding that the tenant is conclusively presumed to have accepted the Notice.

Pursuant to section 48(2)(b) of the Act the landlord is entitled to an order of possession of the manufactured home site. A copy of the order of possession is issued with this decision to the landlord.

The landlord must serve a copy of the order of possession upon the subtenant. In addition, the landlord is ordered to serve a copy of the order of possession upon the tenant Mr. Q, given that he is materially affected by this decision.

Conclusion

The tenant's application is hereby dismissed, without leave to reapply.

The landlord is hereby granted an order of possession of the manufactured home site.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: December 19, 2022

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Residential Tenancy Branch