



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding R.E.I.N Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **OPC**

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* (“Act”) for orders as follows:

- For an order of possession pursuant to section 48 of the Act

Landlord appeared represented by agent SR. The tenant PP appeared along with witnesses WP and TB. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

Both parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the One Month Notice dated July 15, 2022 with an effective date of August 31, 2022. Pursuant to section 81 of the Act the tenant is found to have been served with this notice in accordance with the Act.

The tenant stated that they received the landlord’s dispute notice and materials and based on their testimonies I find the tenant duly served in accordance with sections 81 and 82 of the Act.

The tenant stated that they served the landlord with their written materials by registered mail. However, they did not provide proof of service of same. I therefore will not be considering the tenant’s written materials in this application.

Preliminary Issue

The tenant's first name was wrong on the dispute application. Pursuant to section 57(3)(c) of the Act I have amended the application accordingly.

Issue(s) to be Decided

1. Is the One Month Notice valid and enforceable against the tenant? If so, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy commenced on September 29, 2013. Rent is \$250.00 per month due on the first day of the month. The tenant still occupies the manufactured home site.

The landlord stated that the One Month Notice was served because of multiple complaints from other tenants of unwanted people on the tenant's property, including someone defecating inside the fenceline of the property. The landlord's agent did not know whether the person was associated with the tenant but stated that the defecation occurred within the fenceline. The tenant is responsible under the tenancy agreement to keep their property clean. The One Month Notice was provided in evidence.

The tenant did not file an application disputing the One Month Notice.

Analysis

The tenant has not made an application pursuant to section 40(4) of the Act within ten days of receiving the One Month Notice. In accordance with section 40(5) of the Act, the tenant's failure to take either of these actions within five days has led to the end of the tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by August 31, 2022.

Section 48(2)(b) of the Act states:

(2)A landlord may request an order of possession of a manufactured home site in any of the following circumstances by making an application for dispute resolution:

(b)a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application

for dispute resolution and the time for making that application has expired;

The tenant acknowledged receipt of the One Month Notice and did not file an application for dispute resolution within the required time. I find that the landlord is therefore entitled to a 2 day Order of Possession.

The landlord's application for an order of possession is granted.

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.

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: January 11, 2023

Residential Tenancy Branch