



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Introduction**

This hearing was convened in response to the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for Orders as follows:

Landlord:

- an order of possession for cause pursuant to section 48;
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The hearing was conducted by conference call. All named parties attended the hearing. No issues were raised with respect to the service of the application and evidence submissions on file.

### **Issues**

Is the landlord entitled to an order of possession? Is the landlord tenant entitled to recover the filing fee for this application?

### **Background and Evidence**

This tenancy began May 1, 1994.

The landlord testified that on February 4, 2023 she served the tenant with the One Month Notice to End Tenancy for Cause by posting a copy to the door of the rental premises. A witnessed proof of service form and a picture of the Notice posted to the tenant's door were submitted as evidence. The tenant acknowledged receiving the Notice on this date.

The tenant has not made an application to dispute the Notice. The tenant stated she did not know she was required to file a dispute but acknowledged reading the instructions on the Notice stating her tenancy could end if she did not file a dispute.

### Analysis

Section 40 of the Act contains provisions by which a landlord may end a tenancy for cause by giving a notice to end tenancy. Under this section, the tenant may make a dispute application within ten days of receiving the One Month Notice. If the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the One Month Notice. A notice given under this section must comply with the form and content requirements of section 45 of the Act.

Pursuant to section 58(2)(b) of the *Act*, a landlord may request an order of possession of a rental unit if: 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.

I am satisfied that the tenant received the One Month Notice on February 4, 2023. As the tenant did not make an application to dispute the notice within 10 days of receiving it, the tenant is conclusively presumed to have accepted the end of the tenancy.

Section 45 of the Act states as follows:

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 manufactured home site,
- (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 is in compliance with the form and content requirements of section 45 of the Act. The 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 40 of the Act.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application. The landlord is granted a monetary order in the amount of \$100.00.

### Conclusion

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

Pursuant to section 60 of the *Act*, I grant the landlord a Monetary Order in the amount of \$100.00. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and 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: August 04, 2023

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Residential Tenancy Branch