



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding BCG VILLAGE LTD  
and [Tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPM

### Introduction

This hearing dealt with 20 applications filed by the Landlord that were joined together. The Landlord is seeking an Order of Possession for each of the rental units based on mutual agreements to end tenancy.

The Landlords representatives appeared for the hearing. One Tenant appeared at the hearing and confirmed he was served with notification of the hearing by registered mail.

As for the other Tenants not in attendance, I explored service upon the Tenants with the Landlord's representatives. The Landlord's representative testified that each of the Tenants was served with a proceeding package by registered mail and all were successfully delivered except three there were returned to sender because the recipient did not claim the registered mail. The Landlord had Canada Post registered mail receipts, as well as a completed RTB- 55 forms, to prove service upon each Tenant by registered mail.

I accept that the Tenants were duly served with the proceeding package, even the Tenants who did not claim their registered mail. Under section 90 of the Act a person is deemed to have received documents five days after mailing even if the person does not accept or pick up their mail. Accordingly, I proceeded to hear the applications before me.

### Issue(s) to be Decided

Is the Landlord entitled to Orders of Possession based on mutual agreements to end tenancy?

### Background and Evidence

The Landlord acquired the manufactured home park from the former Landlord in 2022 and inherited the existing tenancies under the *Manufactured Home Park Tenancy Act*.

Between April 2022 and June 2022, the Landlord's associated company (referred to in this decision as "KGMH") entered into purchase agreements with the Tenants of the manufactured home park to purchase their manufactured homes. The date to complete the purchase agreements was set for June 1, 2024 and the Tenants are required to give possession of the manufactured homes to the purchaser 180 days after the completion date, on November 28, 2024. The Landlord and the Tenants also executed Mutual Agreement to End Tenancy forms bringing the tenancy to an end. The effective date for the mutual agreements to end tenancy is also November 28, 2024.

On June 1, 2024 the sales of the manufactured home completed, the Tenants were compensated and "KGMH" became the registered owner of the manufactured homes.

The Landlord seeks an Order of Possession for the effective date of November 28, 2024 based on the mutual agreements to end tenancy to serve and enforce in the event the Tenant(s) does not return possession of the rental unit to the Landlord as agreed upon. Currently, Tenants of 20 rental units have yet to vacate.

The Tenant who appeared for the hearing did not dispute any of the Landlord's submissions. The Tenant explained that he appeared as a formality since he was served with notice of the proceeding. The Tenant pointed out that his proceeding package included the name of his deceased relative. The application was amended by consent of all parties accordingly.

### Analysis

This application is being made under the *Residential Tenancy Act* ("RTA"). I am satisfied the RTA is the Act that applies since the Tenants are no longer owners of the manufactured homes they occupy. In other words, effective June 1, 2024, the Tenants were no longer Tenants under the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act* took effect.

Section 55(2)(d) of the *Residential Tenancy Act* permits a Landlord to apply for an Order of Possession where the Landlord and Tenant have agreed in writing that the tenancy is ended.

I was provided undisputed evidence and submissions that the Landlord and the Tenants agreed in writing to end their respective tenancies effective on November 28, 2024. Therefore, I find the Landlord entitled to Orders of Possession with an effective date of November 28, 2024.

Provided to the Landlord are Orders of Possession for the 20 rental units identified on the cover page of this decision.

### Conclusion

The Landlord's requests for Orders of Possession effective **November 28 ,2024** are granted. The Landlord must serve the Tenants with the Order of Possession and if the Tenant does not comply with the Order, the Landlord may enforce the Order in 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 *Residential Tenancy Act*.

Dated: October 29, 2024

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Residential Tenancy Branch