



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was scheduled to convene at 1:00 p.m. on October 22, 2024 concerning an application made by the tenant seeking an order cancelling a One Month Notice to End Tenancy For Cause.

The tenant and an agent for the landlord attended the hearing, and the landlord's agent was assisted by an Advocate. The landlord's agent gave affirmed testimony.

At the commencement of the hearing the landlord's Advocate indicated that the tenant's application names 3 landlords, and the first one is an address, not the name of a landlord, and applied to amend the tenant's application. The tenant did not dispute that, and therefore, I amend the application. The frontal sheet of this Decision shows that amendment.

Also, at the commencement of the hearing, the landlord's Advocate submitted that the tenant's application was not made within 10 days as required by the *Manufactured Home Park Tenancy Act*. The One Month Notice to End Tenancy For Cause has been provided by the landlord for this hearing, which is dated August 30, 2024 and contains an effective date of vacancy of September 30, 2024. The landlord's agent testified that the Notice was served personally to the tenant on August 30, 2024.

The *Manufactured Home Park Tenancy Act* states that:

**40 (4)** 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.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the manufactured home site by that date.

The *Act* also deals with changing time limits:

(3) The director must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.

Considering that the Notice was served personally to the tenant on August 30, 2024, the latest time that the tenant could file the dispute would have been September 9, 2024. The tenant made the application on September 13, 2024, and since the effective date of vacancy of September 30, 2024 has passed, I cannot grant more time to the tenant to dispute the Notice. Therefore, I find that the tenant is conclusively presumed to have accepted the end of the tenancy and the tenant's application is dismissed.

The law also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an order of possession in favour of the landlord, so long as the Notice given is in the approved form. I have reviewed the Notice, and I find that it is in the approved form, and therefore, I grant an order of possession in favour of the landlord. Since the effective date of vacancy has passed, I grant the order of possession in favour of the landlord, effective on 2 days notice to the tenant.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an order of possession in favour of the landlord effective on 2 days notice to the tenant.

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: October 22, 2024

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Residential Tenancy Branch