



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *OPC, OPB*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act*, for an order of possession pursuant to section 48.

Service of the hearing document, by the landlord to the tenant, was done in accordance with section 81 of the *Manufactured Home Park Tenancy Act*, sent via registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy started prior to the time he took over the management of the Home Park in early 2009. The monthly pad rent is \$325.00.

The landlord testified that the tenant did not install his water and sewer pipes adequately which caused raw sewage and water to continuously leak out of the trailer. The landlord warned the tenant verbally and in writing to take care of the problem by insulating the pipes and connecting them to the Park supply. The tenant did not comply. In addition the electric supply was cut off to the trailer by the local power provider. The tenant and his room mates used five gallon pails as toilets inside the trailer through the winter and did not dispose of them till spring. This created a vile odour around the trailer and several residents of the Park complained to the landlord. In addition, the tenant did not maintain his front and back yard which resulted in an unsightly mess. The tenant's visitors were well known to the local police and the police visited the tenant's trailer at least two to three times a week.

The tenant also paid rent late at least five times in the last eight months.

After several written and verbal warnings, the landlord served the tenant in person with a notice to end tenancy for cause. The tenant did not dispute the notice and has moved furniture and other items out of the trailer. The landlord stated that he has not seen the tenant for approximately three weeks and it appears as if the tenant has moved out.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause, on July 16, 2009. Pursuant to section 40(4) of the *Manufactured Home Park Tenancy Act*, a tenant may dispute a notice under this section by making an application for dispute resolution within ten days after the date the tenant receives the notice.

Section 40(5) states that if a tenant does not make an application for dispute resolution within ten days after receiving the notice to end tenancy, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

In this case, the tenant did not dispute the notice to end tenancy and therefore pursuant to section 48(2), I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

Conclusion

The landlord is granted an order of possession effective two days after service on the tenant.

Dated September 01, 2009.

Dispute Resolution Officer