



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KARMA ENTERPRISES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

OPR, O, FF

### **Introduction**

This hearing was convened in response to an orally amended application by the landlord seeking solely an Order of Possession of the rental site pursuant to the *Manufactured Home Park Tenancy Act* (the Act).

Only the landlord appeared in the conference call hearing. The tenant of this matter is deceased.

#### *Preliminary matters*

The style of cause in this matter has been amended to reflect the removal of the named respondent G.B. as a party to the proceedings. The landlord's testimony revealed that G.B. is not the tenant, nor a relevant party to these proceedings, nor are they captured in the Act's *Definitions* of a tenant, nor are they associated with any estate of the deceased.

#### *Service of Application and Notice of Hearing*

The tenant in this matter passed away in September 2014 and according to the landlord there is neither a Will nor an administrator responsible for any estate of the deceased tenant known to the landlord. As a result, the landlord has not been able to serve any valid entity with notice of their application.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

## **Background and Evidence**

Further undisputed evidence in this matter is that the mobile home remaining on the rental pad was the subject of a fire and the fire department declared the home uninhabitable. The landlord claims that as a result, the home has nominal residual value.

## **Analysis**

On reflection, as the landlord has not served a valid entity with their application for an Order of Possession, their application must be **dismissed**. Effectively however, it must be noted that pursuant to **Section 37 of the *Manufactured Home Park Tenancy Act***, the tenancy has ended, and the landlord has regained *de facto* legal possession of the site, and therefore does not require an Order of Possession.

In addition, the landlord is advised of the provisions within the **Manufactured Home Park Tenancy Regulation: Part 6 – Abandonment of Personal Property**, in respect to dealing with the abandoned mobile home on the site. Of relevance, in part, include Sections 34, 35, and 37. A complete text can be found at: <http://www.rto.gov.bc.ca> .

## **Conclusion**

The landlord has effectively regained possession of the rental site.  
Their application for an Order of Possession is **dismissed**.

**This Decision is final and binding on all parties.**

*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: April 08, 2014

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Residential Tenancy Branch

