



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC FF

Introduction:

**This hearing dealt with an application by the landlord pursuant to *the Manufactured Home Park Tenancy Act* for orders as follows:

1. An Order of Possession pursuant to Sections 40 and 48**.

SERVICE

I find the tenant was served with the Notice to End Tenancy dated October 14, 2014 by posting it on the door and with the Application for Dispute Resolution hearing package by registered mail. ** It was verified online as successfully received on December 15, 2014.**

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is cause pursuant to section 40 to end the tenancy for repeated late payment of rent? If so, are they entitled to an Order of Possession?

Background and Evidence:

The tenant did not attend the hearing or dispute the Notice to End Tenancy although served with the Application/Notice of Hearing. **The Notice to End Tenancy was a one month Notice for repeated late payment of rent pursuant to section 40 of the Act. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord is requesting an order of possession and no filing fee or monetary order at this time but she may apply later. The landlord stated in the hearing that the tenancy began in June 2013, monthly rent for the site was \$281.71 and rent for July, August and October 2013 was paid late. In 2014, rent was late in January, March and every month from May to November (November was an NSF cheque)**.

In evidence are copies of proof of service, listed late rent payments with the dates of payment, a statement from the landlord and the Notice to End Tenancy. On the basis of

the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

Order of Possession

I find that the landlord is entitled to an Order of Possession. **The weight of the evidence is that there has been repeated late payment of rent for at least 12 months of the tenancy. The Tenancy has not made application pursuant to section 40(5) to set aside the Notice to End a Tenancy and the time to do so has expired. In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. I find the tenancy ended on November 30, 2014 as automatically corrected under section 46 of the Act.**

Conclusion:

The tenancy ended on November 30, 2014. I find the landlord is entitled to an Order of Possession effective two days from service. The landlord requested no filing fee so none is awarded.

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: January 12, 2015 (Amended)

Residential Tenancy Branch

