

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, FF

Introduction

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

- An order of possession pursuant to section 48;
- A monetary order to recover unpaid rent and loss of income, pursuant to section 60;
- An order to recover the filing fee, pursuant to section 65.

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 on March 20, 2009. The landlord filed a receipt with 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

Is the landlord entitled to an order of possession and a monetary order for unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the monthly pad rent is \$150.00. The tenant did not pay rent for the months of February and March 2009, and on March 03, 2009, the landlord served the tenant with a ten day notice to end tenancy.

The landlord stated that as of this date, the tenant's trailer is located on the rental pad and the tenant now owes rent for February to May. The landlord has applied for an order of possession, rent for four months (\$600.00) and the filing fee (\$50.00)

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 unpaid rent, on March 03, 2009 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to section 39 to set aside the notice to end a residential 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. Pursuant to section 48 I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. Section 20 of the *Manufactured Home Park Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant did not pay rent for February to March 2009. Therefore, I find that the landlord is entitled to rent in the amount of **\$600.00**.

I also find that the landlord has proven her case and is therefore entitled to the filing fee in the amount of **\$50.00**.

I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act* for **\$650.00** which includes rent for four months in the amount of \$600.00 and the filing fee of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order in the amount of **\$650.00**.

Dated May 12, 2009.

Dispute Resolution Officer