



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a Monetary Order to recover unpaid rent and a Monetary Order to recover the filing fee.

The landlord served the tenant by registered mail on April 14, 2009 with a copy of the Application and Notice of Hearing. I find that the tenant was properly served pursuant to s. 89 of the *Act* with notice of this hearing and the hearing proceeded in the tenants' absence.

The landlord appeared, was provided the opportunity to present his evidence orally, in written form, documentary form and make submissions to me. On the basis of this evidence a decision has been reached.

Issues(s) to be Decided

Whether the landlord is entitled to an Order of Possession?

Are there arrears of rent and if so, how much?

Whether the landlord is entitled to a Monetary Order to recover the filing fee?

Background and Evidence

This tenancy began with the landlord on February 01, 2008 when the landlord purchased the Manufactured Home Park. The tenant owned the Manufactured home and rented the pad from the landlord. In 2008 the rent for this site was \$190.00. This

increased in 2009 to \$197.00. When the landlord purchased the park he was not made aware of any security deposits the tenants may have paid to the previous owners.

The tenant owes rent for October, November and December, 2008 of \$570.00 and March, April and May, 2009 of \$591.00. The landlord testifies that the tenant rented the manufactured home out to other tenants and he believes that they are no longer living at the manufactured home. The landlord has requested an Order of Possession in relation to the manufactured home park pad which is still occupied by the tenants' manufactured home.

The landlord issued the tenant with a 10 Day Notice to End Tenancy for unpaid rent on March 20, 2009. The tenant has not paid the rent or filed an application for Dispute Resolution within five days of receiving the Notice.

Analysis

I accept that the tenant was served the 10 Day Notice to End Tenancy for unpaid rent, pursuant to section 39 of the *Manufactured Home Park Tenancy Act*. The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent nor apply to dispute the Notice to End Tenancy within five days.

Based on the foregoing, I find that the tenant is conclusively presumed, under section 39(5) of the *Act*, to have accepted that the tenancy ended on the effective date of the Notice and grant the landlord an Order of Possession.

I find that the landlords' evidence shows that the tenant owes rent for six months and therefore grant the landlord a Monetary Order to recover the outstanding rent of \$1,161.00



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As the landlord has been successful in these proceedings he is entitled to recover his filing fee of \$50.00.

The landlord will receive a Monetary Order as follows:

Outstanding rent	\$1,161.00
Total	\$1,211.00

Conclusion

An Order of Possession has been issued to the landlord. A copy of the Order must be served on the tenant and the tenant must vacate the manufactured home park site within **30 Days** of service of this order. The Order of Possession may be enforced in the Supreme Court of British Columbia.

A Monetary Order in the amount of **\$1,211.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount of the order is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 15, 2009.

Dispute Resolution Officer