



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, MNSD, FF

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 48(4) and 67(2) of the *Manufactured Home Park Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary order.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on July 13, 2009 the Landlords served the Tenants with the Notice of Direct Request Proceeding by registered mail.

The Landlords submitted a copy of a Canada Post Receipt, with a tracking number, which indicates that the Landlords mailed a package to the female Tenant at a service address that was provided to the Landlords by the Tenants. The Canada Post Website shows that this package was mailed on July 13, 2009 and has not yet been picked up by the recipient.

The Landlords submitted a copy of a Canada Post Receipt, with a tracking number, which indicates that the Landlords mailed a package to the male Tenant at the service address that was provided to the Landlords by the Tenants. The Canada Post Website shows that this package was mailed on July 13, 2009 and has not yet been picked up by the recipient.

The Landlords received the Direct Request Proceeding package on July 13, 2009 and initiated service that day. Section 90 of the Residential Tenancy Act determines that a document served by mail is deemed to have been served on the fifth day after it is mailed, which in these circumstances is July 18, 2009.

Based on the written submissions of the Landlord, I find the Tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; and to recover the filing fee from

the Tenants for the cost of the Application for Dispute Resolution, pursuant to sections 48, 60, and 65 of the *Act*.

## Background and Evidence

I have reviewed the following evidence that was submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant
- A copy of a residential tenancy agreement between the Landlords and the Tenants, which is signed by all of the parties. This agreement indicates that the tenancy began on April 01, 1997
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was signed by one of the Landlords on July 02, 2009, which declares that the Tenants must vacate the rental unit by July 13, 2009 as they have failed to pay rent in the amount of \$1,032.95. The Notice states that the tenancy will end unless the Tenants pay the rent within five days of receiving the Notice or submit an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice. The Notice indicates that the Tenants have failed to pay rent of \$206.59 for a period of five months.
- A copy of Proof of Service of the 10 Day Notice to End Tenancy, in which the Landlords declared that one of the Landlords served the Tenants with the Notice to End Tenancy, via registered mail, on July 02, 2009.
- A copy of a Canada Post Receipt, with a tracking number, which indicates that a package was mailed to the service address that was provided to the Landlords by the Tenants. The Canada Post Website shows that this package was mailed on July 02, 2009 and has not yet been picked up by the recipients.

In the Application for Dispute Resolution the Landlords stated the Tenants were served with the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail on July 02 18, 2009.

In the Application for Dispute Resolution, the Landlords stated that the Tenants have not paid monthly rent of \$206.59 in March, April, May, June, or July of 2009.

## Analysis

Residential Tenancy Branch  
Ministry of Housing and Social Development

Based on the evidence provided by the Landlords and in the absence of evidence to the contrary, I find that a 10 Day Notice to End Tenancy was mailed to the Tenants on July 02, 2009.

Based on the evidence provided by the Landlords and in the absence of evidence to the contrary, I find that the Tenants had not paid outstanding rent of \$1,032.95 that was due for March, April, May, June, and July of 2009, as stated on the 10 Day Notice to End Tenancy, by the time the Landlords filed the Application for Dispute Resolution. I have no evidence to show that the Tenants paid the outstanding rent since the Landlords filed the Application for Dispute Resolution, and therefore I find that the Tenants owe rent in the amount of \$1,032.95.

I have no evidence to show that the Tenants filed an Application for Dispute Resolution seeking to set aside the Notice to End Tenancy. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenants accepted that the tenancy ended ten days after they are deemed to have received the Notice. As this Notice was served via registered mail, it is deemed to have been received on July 07, 2009 and the tenancy is deemed to end, therefore, on July 17, 2009.

## Conclusion

I find that the Landlord is entitled to an Order of Possession effective two days after service on the Tenants. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the Landlord has established a monetary claim, in the amount of \$1,082.95, which is comprised on \$1,032.95 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$1,082.95. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated: July 23, 2009.

---

Dispute Resolution Officer