



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution to obtain an Order of Possession and a monetary order for unpaid rent.

Issues(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 tenant for the cost of the Application for Dispute Resolution, pursuant to sections 39, 47, 60, and 65 of the *Manufactured Home Park Tenancy Act (Act)*.

Background and Evidence

The tenancy began on September 19, 2006 as a month to month tenancy with rent due on the 1st of the month in the amount of \$475.00.

The landlord submitted the following evidentiary material:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on October 14, 2009 with an effective vacancy date of October 24, 2009 due to \$950.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant had failed to pay the full rent owed for the months of September and October, 2009 and that the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent when it was placed in his mail slot on October 14, 2009.

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 apply to dispute the Notice to End Tenancy within five days. The landlord's agent testified the tenant has not paid any rent for September, October, November or December 2009, with a total in arrears of \$1900.00.

Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with a notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on October 17, 2009, and the effective date of the notice is amended to October 27 2009, pursuant to Section 46 of the *Act*. I accept the evidence before me that the tenant failed to pay the rent owed in full with in the 5 days granted under section 39 (4) of the *Act*.

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.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 60 and therefore grant a monetary order in the amount of **\$1,950.00** comprised of \$1,900.00 rent owed and the \$50.00 fee paid by the Landlord for this application.

This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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 *Manufactured Home Park Tenancy Act*.

Dated: December 10, 2009.

Dispute Resolution Officer