



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 and a monetary order due to unpaid rent.

The hearing was conducted via teleconference and was attended by two agents representing the landlord. The tenant did not attend.

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 tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 39, 48, 60, 65 of the *Manufactured Home Park Tenancy Act (Act)*.

Background and Evidence

The tenancy began on July 31, 2007 as a month to month tenancy for the monthly rent of \$326.83 due on the 1st of the month. The tenants have not been residing at the dispute address for most of 2009 but continued to pay rent until October 2009.

The landlord submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on December 14, 2009 with an effective vacancy date of December 25, 2009 due to \$326.83 unpaid rent.

Documentary and testimonial evidence filed by the landlord indicates that the tenant had failed to pay the full rent owed for the months of, November and December, 2009 and January and February 2010. The tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent when it was served by posting it on the tenant's door on December 14, 2009 and went it was sent to the tenants' forwarding address via registered mail..

The Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within five days.

Analysis

I have reviewed all documentary and testimonial evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on December 19, 2009, and the effective date of the notice is amended to December 29, 2009, pursuant to Section 46 of the *Act*. I accept the evidence before me that the tenants 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 **\$1,357.32** comprised of \$1,307.32 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: February 04, 2010.

Dispute Resolution Officer