

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 for unpaid rent and to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on March 10, 2010, and deemed served five days later under the Act, the Tenant did not appear. I find the Tenant has been served in accordance with the Act.

Three Agents for the Landlord appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Background and Evidence

Based on the affirmed testimony of the Agent for the Landlord, I find that the Tenant was served with a Notice to End Tenancy for non-payment of rent on February 25, 2010, by posting on the door. An Agent for the Landlord saw the Notice being posted to the door and testified to this at the hearing.

The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The uncontradicted testimony and evidence of the Agents is that the Tenant did not pay the rent and the Landlord has not been served with an Application by the Tenant to dispute the Notice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice, March 10, 2010.

I find that the Landlord is entitled to an order of possession effective **two days** after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I further find that the Tenant has failed to pay rent for March, April and May of 2010, and I allow the Landlord to amend the Application to include this rent.

Therefore, I find that the Landlord has established a total monetary claim of **\$1,210.00** comprised of \$290.00 in rent for each of February, March, April and May of 2010, and the \$50.00 fee paid by the Landlord for this application.

I grant the Landlord an order under section 67 for the balance due of \$1,210.00. This order 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: May 06, 2010.

Dispute Resolution Officer