

**Dispute Codes:** OPR, MNR, FF

## **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act*, for an order of possession and a monetary order for unpaid pad rent and the filing fee.

Service of the hearing document, by the landlord to the tenant, was done in accordance with section 81 of the *Manufactured Home Park Tenancy Act*, sent via registered mail. The landlord provided a tracking number and a print out of the tracking search which indicates that the tenant received and signed for the package. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

## **Issues to be decided**

Is the landlord entitled to an order of possession and a monetary order for unpaid rent and the filing fee?

## **Background and Evidence**

The landlord testified that the tenancy began on May 01, 2001. At the time of the hearing the monthly pad rent was \$361.00.00. The landlord stated that the tenant was consistently behind on rent and kept getting further in debt as time went on. The landlord stated that the tenant always acknowledged that he owed money for rent and even wrote a note in agreement. The note is undated and states that the tenant has listed his trailer for sale with a realty company and is now in the process of painting and fixing the trailer. The tenant also states that the proceeds of the sale will be paid directly to the landlord. The landlord stated that this note was written sometime in 2008.

The landlord stated that at this time, the trailer appears to be abandoned. The windows of the trailer are broken and the screens are missing. Earlier in fall of 2009, the electricity was cut off for money owed to the supply company. The landlord stated that he last saw the tenant in March 2010.

On May 10, 2010, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. As per the statement filed into evidence, the landlord is claiming \$10,482.00 for unpaid rent for the period of 2002 to 2010. In addition the tenant also owes \$361.00 for June 2010 and the same for July 2010 for a total of \$11,204.00. The landlord has also applied for an order of possession effective July 31, 2010.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. Pursuant to section 39(4) of the *Manufactured Home Park Tenancy Act*, a tenant may pay the overdue rent or dispute the notice by making an application for dispute resolution within five days of receiving the notice.

Section 39(5) states that if a tenant does not pay rent or make an application for dispute resolution within five days after receiving the notice to end tenancy, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

In this case, the tenant did not pay rent nor did he dispute the notice to end tenancy within five days of receiving the notice. Therefore pursuant to section 48(2), I am issuing a formal order of possession effective on or before 1:00 p.m. on July 31, 2010. This Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$11,204.00 for unpaid rent. Since the landlord has proven his case, I find that he is also entitled to the recovery of the filing fee of \$100.00.

I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for the amount of \$11,304.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

The landlord is granted an order of possession effective on or before **1:00 p.m. on July 31, 2010**. I also grant the landlord a monetary order for **\$11,304.00**.

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: July 21, 2010.

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Dispute Resolution Officer