

## **DECISION**

### **Dispute Codes:**

**Landlord:** OPR, MNR, and FF

### **Introduction**

This application was brought by the landlord on June 17, 2010 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent dated and served by registered mail on May 14, 2010. The landlord also seeks a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding.

Despite having been served with the Notice of Hearing sent by registered mail on June 18, 2010, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing.

The landlord advised that the registered mail had been returned, but I find that she has met the service requirements of section 82(1)(c) of the *Act* and service is deemed to have been made on June 23, 2010 under section 83(a) of the *Act*. Therefore, the hearing proceeded in the absence of the tenant.

### **Issues to be Decided**

This application requires decisions on whether the landlord is entitled to an Order of Possession and to a Monetary Order for unpaid rent and filing fee.

## **Background and Evidence**

This tenancy began on July 1, 2006 and pad rent is \$300 per month.

During the hearing, the property manager stated that her company had assumed management of the manufactured home park in October 2009. She stated that the tenant has paid no rent in that time and, in fact, has not been seen on the property, has not made contact, and has not responded to several attempts by the landlord to make contact.

The property manager stated that the previous property manager is deceased and she has been unable to obtain records prior to October 2009 to determine if further rent is owed.

At present, the applicant claims eight months unpaid rent from October 2009 to the time Notice to End Tenancy was served in May 2010.

## **Analysis**

Section 39 of the Act states that if rent is not paid, a landlord may end the tenancy by issuing a 10-day Notice to End Tenancy on any day after the rent is due. The tenant may nullify the notice by paying the overdue rent within five days of receipt of the Notice. In this instance, I find that the rent remained unpaid to the time of the hearing.

Accordingly, I find that the landlord is entitled to an Order of Possession.

As it appears the tenant has abandoned the rental unit and is unlikely to return, I find that the Order of Possession should take effect on August 31, 2010 as requested by the property manager.

I further find that the landlord is entitled to a Monetary for eight months rent at \$300 per month for a total of \$2,400 plus recovery of the \$50 filing fee for this proceeding.

In order that the landlord can make determination as to what personal property of the tenant might remain, I pursuant to section 55(3) of the *Act* hereby authorize the landlord to immediately enter and re-secure the manufactured home.

## **Conclusion**

The landlord's copy of this decision is accompanied by:

1. An Order of Possession, enforceable through the Supreme Court of British Columbia, effective at 1 p.m. on August 31, 2010;
2. A Monetary Order for \$2,450, enforceable through the Provincial Court of British Columbia, for service on the tenant.

The landlord is directed to Part 6 of the Manufactured Home Part Tenancy Regulation for guidance on the disposition of abandoned property.

August 11, 2010

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