



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MN, OP, FF

Introduction

This was an application by the landlord for a monetary order for unpaid rent and an order for possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The administrator of the tenant's estate. The tenant did not call into the conference although he was served with the application by registered mail sent on October 7, 2010

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The manufactured home park tenancy began on June 1, 1991. and runs from month to month with current rent in the amount of \$772.00 due in advance on the first day of each month.

The tenant died on October 29, 2009 and the estate is represented by the tenant's son acting as administrator of the estate. The manufactured home is unoccupied rent has been paid by the tenant's estate until August, 2010. No rent has been paid for September, October or November.

Based on the testimony of the landlord' representative, given under solemn affirmation I find that the tenant was served with a Notice to End Tenancy for non-payment of rent by posting on September 24, 2010.

Analysis and conclusion

The tenant has not paid the outstanding rent and has not applied for to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for 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 find that the landlord has established a claim for unpaid rent totalling \$2,316.00 for the months of September, October and November, 2010. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$2,366.00 and I grant the landlord an order under section 60 in the said amount. It is not appropriate for the order to be granted against the administrator of the estate and I order the estate of the deceased tenant to pay the monetary order. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: November 04, 2010.
