

## **DECISION**

Dispute Codes      OPR

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent and other. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issues to be Decided

Is the landlord entitled to any of the above under the Act.

### Summary of Background and Evidence

This tenancy is for pad rental in a manufactured home park and the tenants pay a monthly pad rent of \$242.00. On October 15, 2010 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants currently owe \$877.00 in unpaid pad rent. The tenants have rented out their manufactured home and their tenant has paid pad rent for the past few months. The landlord testified that he has provided the tenants, tenant with a receipt stating 'for use and occupancy only, does not reinstate tenancy' for each pad rent payment the tenants tenant has made.

The landlord is requesting an order of possession dated for March 31, 2011 to allow the tenants time to removed their manufactured home and to allow time for the tenant's tenant to find alternate housing.

### Analysis

Based on the documentary evidence and testimony I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution 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 of possession.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 PM, March 31, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia 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 *Residential Tenancy Act*.

Dated: January 5, 2011

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Dispute Resolution Officer