



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

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. 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 prior to May 2006. At the time of the hearing the monthly pad rent was \$290.00.00. The landlord stated that from October 2010, the tenant stopped paying rent as he had some financial problems. The landlord stated that since the tenant was a long term tenant and had always paid rent, the landlord allowed the tenant some time to catch up. However, the tenant did not make any effort to catch up and on December 02, 2010, the landlord served the tenant with a ten day notice to end tenancy. As per the statement filed into evidence, the landlord is claiming \$1,150.00 for unpaid rent for the period of October 2010 to January 2011. . The landlord has also applied for an order of possession effective two days after service on the tenant.

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 two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$1,150.00 for unpaid rent. Since the landlord has proven her case, I find that she is also entitled to the recovery of the filing fee of \$50.00. I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for the amount of \$1,200.00. 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 two days after service on the tenant. I also grant the landlord a monetary order for **\$1,200.00**.

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: January 21, 2011.

Residential Tenancy Branch