



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing was reconvened to deal with the Direct Request Application for Dispute Resolution by the Landlord for an order of possession and a monetary order.

The Direct Request had been reconvened to a participatory hearing to clarify the identity of the tenant and the validity of a rent increase.

I find the Tenant and rent increase terms have now been clarified and that the Tenant was properly served a Notice of the Reconvened Hearing on January 19, 2011, by registered mail. Though duly served the Tenant did not appear.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

### Issue(s) to be Decided

Has the Tenant breached the *Manufactured Home Park Tenancy Act* (the "Act") or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

### Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent on December 23, 2010, by posting on the door. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice. I note the effective date indicated on the Notice is ineffective and automatically corrects under the Act to January 5, 2011.

The Tenant did not apply to dispute the Notice. The Landlord provided evidence and testimony that the Tenant had adjustments in rent pursuant to a previous dispute resolution and rent increases, had not paid monthly rent for December 2010 or January 2011 and currently owed the amount of \$770.96 in unpaid rent.

### Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlord is entitled to an order of possession effective **2 days** after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I allow the Landlord to amend his Application to include a claim for the filing fee.

I find that the Landlord has established a total monetary claim of **\$820.96**, which includes the unpaid rent of \$770.96 and the filing fee of \$50.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

### Conclusion

The Landlord is granted an Order of Possession and is granted a monetary order for **\$820.96**.

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 31, 2011.

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Residential Tenancy Branch