

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 48;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 65.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. She entered into written evidence a copy of the 10 Day Notice to End Tenancy for Unpaid Rent posted on the tenants' door at 11:00 a.m. on December 2, 2010. She also submitted a copy of a Proof of Service document attesting to this posting and witnessed by another individual. She testified that she sent the tenant a copy of her application for dispute resolution hearing package by registered mail on December 17 2010. She provided a Canada Post Tracking Number to confirm this mailing. I am satisfied that the landlord has served the 10 Day Notice and the application for dispute resolution to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent and losses arising from this tenancy? Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

This tenancy for a manufactured home park pad rental commenced on July 1, 2009. Monthly rent until September 1, 2010 was set at \$368.97; this rent increased to \$383.35 per month as of September 1, 2010. The tenants were also responsible for an

additional monthly utilities charge during the periods relevant to this application of \$56.75.

The landlord presented undisputed written evidence that there has been outstanding rent, late fee service charges, and utilities charges since November 2009. The landlord submitted a detailed list of charges due, payments made and balances outstanding. The landlord testified that the tenants paid no portion of the \$3676.00 in rent owing and \$576.50 in outstanding utilities owing on December 1, 2010. The landlord applied for a monetary award of \$4,933.60, which includes rent owing for January 2011. The landlord also applied for recovery of her filing fee for this application.

Analysis

Order of Possession

There is undisputed evidence that the tenants failed to pay any portion of the rent and utilities identified as outstanding within five days of receiving the 10 Day Notice to End Tenancy. The tenants have not made application pursuant to section 39(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 39(5) of the *Act*, the tenants' failure to take either of these actions within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenants to vacate the premises by December 16, 2010. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenants. If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Monetary Order

Based on the undisputed evidence presented by the landlord, I issue a monetary award in the amount of \$4,933.60 to reflect the unpaid rent, late fees and utility charges owing from this tenancy up to and including January 2011. Since the landlord has been successful in this application, I also allow the landlord to recover the \$50.00 filing fee for this application.

Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour in the amount of \$4,983.60 for the reasons outlined above.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 *Manufactured Home Park Tenancy Act*.