

DECISION

Dispute Codes OPR, MNR, 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;
- an early end to this tenancy and an Order of Possession pursuant to section 49;
- a monetary order for unpaid rent pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The tenant did not attend this hearing, although I waited until 1:42 p.m. in order to enable the tenant to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. He provided a written witnessed statement attesting to the posting of the 10 Day Notice to End Tenancy for Unpaid Rent on the tenant's door at 2:05 p.m. on February 5, 2011. The landlord testified that he sent the tenant a copy of the dispute resolution hearing package on February 21, 2011. He provided the Canada Post Tracking Number to confirm this mailing. I am satisfied that the tenant was served with these notices in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession? Is the landlord entitled to a monetary Order for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that this month-to-month tenancy commenced on March 23, 2009. Monthly pad rental for this manufactured home park site is set at \$366.00, payable on the first of each month. The landlord entered into written evidence a rent ledger in support of the landlord's application for a monetary Order of \$1,371.00 in unpaid rent as of the date of the landlord's application on February 16, 2011. The earliest of these unpaid rent payments dated from June 2010. Since the landlord testified that the tenant has not paid any portion of the above amount identified in the 10 Day Notice for Unpaid Rent, the landlord asked for a 2 day Order of Possession. There was no need to consider the landlord's application for an early end to this tenancy.

Analysis - Order of Possession

The tenant failed to pay the outstanding rent within five days of receiving the 10 Day Notice to End Tenancy. The tenant has 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 tenant's failure to take either of these actions within five days led to the end of her tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by February 20, 2011. 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 tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Analysis - Monetary Order

Based on the undisputed evidence presented by the landlord, I issue a monetary award in the landlord's favour in the amount of \$1,371.00. As the landlord has been successful in this application, I allow the landlord to recover the \$50.00 filing fee from the tenant, an amount added to the landlord's monetary award.

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 the attached monetary Orders in the landlord's favour in the amount of \$1,421.00 which includes rent outstanding from this tenancy and the recovery of the landlord's filing fee for this application. 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*.