



# 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 for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant 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.

### Issue(s) to be Decided

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

### Summary of Background and Evidence

The landlord testified that the pad rent has gone unpaid since September 2010 and that the tenant currently owes the landlord \$1790.00 in unpaid pad rent. The landlord stated that the tenant does come to the property on occasion but that the tenant is no longer residing on site in the mobile home. The landlord stated that the tenant did come to the property and take possession of the notice to end tenancy documents that the landlord had taped on the tenant's door. The landlord stated that they will now move forward with the process for abandonment of personal property per the Act.

The landlord in this application is seeking an order of possession for unpaid rent and a monetary order for unpaid rent.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant 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.

I find that the landlord has established a claim for \$1790.00 in unpaid pad rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I hereby grant the landlord an **Order of Possession** effective not later than **1:00 PM, April 15, 2011**. This Order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$1790.00 in unpaid pad rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 65 for the amount of **\$1840.00**.

A monetary order in the amount of **\$1840.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) 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: April 4, 2010

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Residential Tenancy Branch