



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 rent and the filing fee.

The landlord served the notice of hearing on the tenant by courier service on June 21, 2011. The landlord filed a shipment receipt into evidence. 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? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on October 01, 2005. The tenant rents a pad from the landlord for a monthly rent of \$502.07. Rent is due in advance on the first of each month. Since April 2010, the tenant stopped making regular payments but did make some lump sum payments to catch up on rent. The last payment was made in April 2011. The landlord filed a financial statement that shows that as of May 2011 the tenant owed \$1,669.90.

On May 18, 2011, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The tenant did not dispute the notice. The tenant also continued to occupy the rental pad without paying rent. At the time of the hearing, the tenant owed rent for June and July plus late fees in addition to \$1,669.90.

The landlord has applied for an order of possession effective two days after serving it on the tenant and for a monetary order in the amount of \$2,724.04 which consists of unpaid rent plus late fees. The landlord has also applied for the filing fee of \$50.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on May 18, 2011 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 39 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy, on the date set out in the Notice. Pursuant to section 48(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord has established a claim of \$2,724.04 for unpaid rent plus \$50.00 for the filing fee. I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act* for the amount of \$2,774.04. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of **\$2,774.04**.

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: July 13, 2011.

Residential Tenancy Branch