



Dispute Resolution Services

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 for an order of possession and a monetary order. Both parties appeared at the hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenants were served with a 10 day notice to end tenancy on December 20, 2011 and that the tenants were \$4,476.48 in arrears as of that date.

The tenant testified that she has been trying to sell the manufactured home, but claimed that the landlord has in some way dissuaded prospective purchasers. The landlord testified that because the tenants are in arrears and have made promises to pay rent which have not been fulfilled, he is not willing to speak with prospective purchasers.

Analysis

I find that the tenants received the notice to end tenancy on December 20. The tenants did not pay the arrears or file an application for dispute resolution to dispute the notice within 5 days of receipt and therefore pursuant to section 39(5) of the Act, are conclusively presumed 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 and I grant him an order which may be enforced in the Supreme Court.

As the parties agreed that \$4,476.48 was owing in rent for the period up to December 31, 2011, I find that the landlord is entitled to recover those arrears. I also find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application. I grant

him a monetary order under section 67 for \$4,526.48. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$4,526.48.

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 18, 2012

Residential Tenancy Branch