



# 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 pad rent and the filing fee.

Service of the hearing document, by the landlord to the tenant, was done in accordance with section 81 of the *Manufactured Home Park Tenancy Act*, sent via registered mail. The landlord provided a tracking number. The landlord stated that he tracked the package on line and found that the tenant had signed in acknowledgement of having received it. 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 and a monetary order for unpaid rent, utilities and the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy began on August 15, 2009 when the tenant purchased the mobile home from the occupant of that time. At the time of the hearing the monthly pad rent was \$761.00.

The tenant failed to pay rent for February 2012 and on February 07, 2012; the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. The tenant did not pay rent and did not dispute the notice to end tenancy. At the time of the hearing the tenant owed rent for March as well as February.

The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order for \$1,522.00 which consists of rent for two months.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. Pursuant to section 39(4) of the *Manufactured Home Park Tenancy Act*, a tenant may pay the overdue rent or dispute the notice by making an application for dispute resolution within five days of receiving the notice.

Section 39(5) states that if a tenant does not pay rent or make an application for dispute resolution within five days after receiving the notice to end tenancy, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

In this case, the tenant did not pay rent nor did he dispute the notice to end tenancy within five days of receiving the notice. Therefore pursuant to section 48(2), I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$1,522.00 for unpaid rent. Since the landlord has proven his case, I find that he is also entitled to the recovery of the filing fee of \$50.00.

I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for the amount of \$1,572.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

The landlord is granted an order of possession effective **two days** after service on the tenant. I also grant the landlord a monetary order for **\$1,572.00**.

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: March 28, 2012.

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Residential Tenancy Branch