

## **DECISION**

Dispute Codes      OPR

### **Introduction**

This is an application filed by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on April 5, 2012 and has provided the Canada Post Registered Mail Customer Receipt as evidence. As such, I find that the Tenant was properly served with the notice of hearing and evidence package under the Act and is deemed served 5 days later on April 10, 2012.

### **Issue(s) to be Decided**

Is the Landlord entitled to an order of possession for unpaid rent?

### **Background and Evidence**

The Landlord states that the Tenant has rent arrears of \$3,765.00 as of the hearing date. The Landlord states that the Tenant was served with a 10 day notice to end tenancy dated March 25, 2012 which displays an effective date of April 5, 2012. The notice states that the Tenant has failed to pay rent in the amount of \$3,416.70 that was due as of March 1, 2012. The Landlord's Agent, K.D. states that the notice was posted on the door on March 25, 2012 by him. At that time K.D. states that after the notice was posted the Tenant opened the door and ripped the notice from the door and threw it to the ground. The Landlord has provided a rent ledger that states that monthly rent arrears starting in June of 2011 was \$310.00. The Landlord's ledger also states that a \$25.00 late rent fee was charged for each month until the current date. A rent increase was served on the Tenant that took effect on January 1, 2012 making the monthly rent \$323.90. The Landlord's Agent claims that the Tenant was served with many notices to end tenancy for unpaid rent since June of 2011 and that they have been trying to work with the Tenant since to resolve the rent arrears. The Landlord states that the Tenant is still in possession of the rental unit and has failed to pay rent since May of 2011. The Landlord is seeking an order of possession for unpaid rent.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was served with the 10 day notice to end tenancy on March 25, 2012. The Tenant has failed to 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 upon the above facts, I find that the Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

The Landlord is granted an order of possession.

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*.

Dated: April 23, 2012.

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Residential Tenancy Branch