

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Tenant did not submit any documentary evidence. The Landlord states that the Tenant was served by Canada Post Registered Mail on July 6, 2012. The Landlord has provided the Canada Post Registered Mail Tracking No. RW694933739CA as proof that the Tenant was properly served. I am satisfied based upon the above that both parties have been properly served as deemed under the Act.

The Landlord has withdrawn the \$68.61 from the monetary claim made.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

This Tenancy began on March 1, 2004 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The current monthly pad rent is \$355.00 payable by the 1st of each month.

The Landlord states that the Tenant is in rent arrears for \$2,485.00 for the period November 1, 2011 to June 1, 2012. The Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent on June 4, 2012 by Canada Post Registered Mail. The Landlord has provided proof of service and acknowledgment that the Tenant received this package on June 6, 2012 from the Canada Post On-Line Tracking System.

The Landlord stated that the Tenant made two partial rent payments of \$375.00 in June 2012 and \$355.00 in July 2012. The Landlord issued receipts for both times for "use and occupancy only". The Landlord's monetary claim is for \$1,755.00.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was 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 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 notice 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.

I also find that the Landlord has established a claim for \$1,755.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 60 for the balance due of \$1,805.00. This order may be filed in the Small Claims Division of the Provincial Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$1,805.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: July 25, 2012.

Residential Tenancy Branch