



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for the filing fee.

The notice of hearing was served on the tenant by registered mail on August 09, 2012. The landlord filed a tracking slip. 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.

The landlord stated that he would deal with his monetary claim at a later date and requested an order of possession.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started in 2006. The monthly rent is \$510.00 due in advance on the first of each month.

The tenant failed to pay rent for July 2012. On July 12, 2012, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent and filed proof of service of the notice. The tenant did not pay rent and did not dispute the notice.

The landlord is applying for an order of possession effective two days after service on the tenant. The landlord stated that the tenant owes approximately \$4,000.00 in unpaid rent but confirmed that he would make a separate application for a monetary order.

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 July 12, 2012 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 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.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant

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: September 06, 2012.

Residential Tenancy Branch