



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, OPR

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the *Manufactured Home Park Tenancy Act (the "Act")* seeking a monetary order for unpaid rent and for an order of possession due to unpaid rent.

The landlord appeared; the tenant did not appear.

The landlord testified that she served the tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail on August 27, 2012. The landlord supplied evidence of the tracking number of the registered mail and the registered mail receipt.

I find the tenant was served in a manner complying with section 82 of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the manufactured home pad site and to a monetary order?

### Background and Evidence

The landlord said that the tenancy began on June 3, 2002 and monthly pad rent is currently \$220.00.

The landlord gave evidence that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on August 7, 2012, leaving it with the tenant.

The Notice stated the amount of unpaid pad rent was \$696.00 as of August 1, 2012 and listed an effective vacancy date of August 18, 2012.

The Notice informed the tenant that the Notice would be cancelled if the pad rent was paid within five days. The Notice also explained the tenant had five days to dispute the Notice.

The landlord testified that since the issuance of the Notice, the tenant has not made a pad rent payment and now owes rent for September 2012.

The landlord further explained that the tenant is being charged \$12.00 per month as a late fee, although the tenancy agreement allows for a \$25.00 late fee.

The landlord said the amount of unpaid pad rent now owed by the tenant is \$880.00 and \$48.00 in late fees.

The landlord mentioned that she believed that the tenant has now vacated and destroyed the manufactured home, but would still require an order of possession.

### Analysis

Based on the relevant evidence submitted and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective vacancy date of the Notice.

### Conclusion

I find that the landlord is entitled to an order of possession effective 2 days after service on the tenant. This order is a **final, legally binding order**, and may be filed in the Supreme Court of British Columbia as an order of that Court should the tenant fail to comply with the terms of this order.

I find that the landlord has established a total monetary claim of **\$928.00**, comprised of outstanding rent of **\$880.00** and late fees of \$48.00.

I therefore grant the landlord a final, legally binding monetary order in the amount of \$928.00, which I have enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court.

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* (the "Act") and is being mailed to both the applicant and the respondent.

Dated: September 27, 2012.

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Residential Tenancy Branch