



# 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 the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 3:16 p.m. in order to enable her to connect with this teleconference hearing scheduled for 3:00 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she placed the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) in the tenant's mail slot that opens into the tenant's manufactured home on August 18, 2012. Her husband testified that he witnessed his wife place this 10 Day Notice in the tenant's mail slot. The landlord also testified that she spoke with the tenant about the 10 Day Notice after the tenant received it. I am satisfied that the landlord served the 10 Day Notice to the tenant in accordance with section 81(f) of the *Act*.

The landlord testified that she handed the tenant a copy of the landlord's dispute resolution hearing package on September 19, 2012. The landlord entered into written evidence a witnessed statement to confirm that she handed the tenant a copy of this package to the tenant as claimed by the landlord. I am satisfied that the landlord served the tenant with a copy of the dispute resolution hearing package in accordance with section 82 of the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

The landlord testified that this manufactured home park pad rental began in October 1991. Monthly pad rental is currently \$523.00, payable in advance on the first of each month.

The landlord's application for a monetary award of \$2,092.00 included unpaid rent of \$523.00 for each of July, August and September 2012 and the anticipated loss of rent of \$523.00 for October 2012. The landlord testified that the tenant has not paid anything towards her outstanding rent since the landlord issued the 10 Day Notice.

### Analysis

The tenant failed to pay the outstanding rent identified in the 10 Day Notice in full within five days of receiving the 10 Day Notice. The tenant has not made application pursuant to section 39(4)(b) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 39(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of her tenancy on the corrected effective date of the notice. In this case, this required the tenant to vacate the premises by August 31, 2012. As that has not occurred, I find that the landlord is entitled to a 5 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 5 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed testimony of the landlord, I find that the landlord is entitled to a monetary award of \$2,092.00, the amount claimed in her application for dispute resolution for the period from July until October 2012. As the landlord has been successful in this application, I also allow the landlord to recover the \$50.00 filing fee for this application.

### Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 5 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour under the following terms which allows the landlord to recover unpaid rent and the filing fee for this application:

Item	Amount
Unpaid July 2012 Rent	\$523.00
Unpaid August 2012 Rent	523.00
Unpaid September 2012 Rent	523.00
Unpaid October 2012 Rent	523.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$2,142.00</b>

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.

Dated: October 22, 2012

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Residential Tenancy Branch