

## **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 and did not submit any documentary evidence. The Landlord states that the Tenant currently still resides at the rental unit and was served with the notice of hearing and evidence package by Canada Post Registered Mail on September 27, 2012. The Landlord has submitted a copy of the Canada Post Registered Mail Receipt in support. I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the notice of hearing and evidence package by Registered Mail.

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

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

### **Background, Evidence and Analysis**

This Tenancy began on April 1, 2010 on a month to month basis as shown by the submitted copy of the signed tenancy agreement.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated September 10, 2012 on the same date by Canada Post Registered Mail. The Landlord has included a copy of the Canada Post Customer Receipt in support. The Landlord states that Tenant is in rent arrears for \$5,465.32 for monthly pad rent (January 2011- \$531.44, March 2011- \$531.44, June 2011-\$531.44, January 2012-\$553.00, February 2012-\$553.00, March 2012-\$553.00, April 2012-\$553.00, May 2012-\$553.00, June 2012-\$553.00 and July 2012-\$553.00). The Landlord states that this includes the monthly late fee of \$25.00 for each month. The notice shows that monthly rent of \$528.00 was due on the first of each month (also noted is "Please see attached summary of rent arrears") and remains outstanding to the date of this hearing.

The Landlord states that the Tenant would make rent payments for those months not noted, but that a rent arrears exists for the total, \$5465.32.

I accept the undisputed testimony of the Landlord and find that a 10 day notice to end tenancy issued for unpaid rent was properly served on September 10, 2012 by Canada Post Registered Mail. 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 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. 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.

As for the monetary claim, I find that the Landlord has established a claim for \$5,465.32 in unpaid rent and late fees. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order for \$5,565.32. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted an order of possession and a monetary order for \$5,565.32.

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 26, 2012.

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Residential Tenancy Branch