



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / and recovery of the filing fee.

Legal counsel representing the landlord attended the hearing. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered."

Issue(s) to be Decided

Whether the landlord is entitled to either or both of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

In response to the tenant's application, a previous hearing was held in a dispute between these parties on October 9, 2012. In the result, by decision dated October 10, 2012 (file # 797821), the landlord's 1 month notice to end tenancy for cause was upheld. In the decision, the dispute resolution officer noted, in part, as follows:

The Tenant must vacate the property or the Landlord may seek an order of possession by filing an Application for Dispute Resolution.

The 1 month notice to end tenancy for cause reflected an effective end date for tenancy of September 30, 2012. At the time when the landlord filed her application on October 11, 2012, which led to scheduling of this present hearing, the tenant still occupied the site. During the hearing the landlord's legal counsel indicated his understanding which is that the tenant only recently vacated the site on or about November 11, 2012.

However, in the absence of sufficiently conclusive evidence that the tenant has now completely vacated the site, and in consideration of previous difficulties encountered in

this landlord / tenant relationship, the landlord's legal counsel re-confirmed the landlord's wish to obtain an order of possession.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the undisputed testimony of legal counsel representing the landlord, I find that the tenant was properly served with the hearing package, despite her absence from the hearing.

I further find that the landlord has established entitlement to an order of possession, in addition to entitlement to a monetary order reflecting recovery of the filing fee.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia

Pursuant to section 60 of the *Manufactured Home Park Tenancy Act*, I hereby issue a monetary order in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced 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*.

Dated: November 14, 2012.

Residential Tenancy Branch