



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

This hearing concerns the landlord's application for an order of possession. Both parties attended and / or were represented and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

The tenant owns the manufactured home and rents the manufactured home site (the "pad") where the pad is located. There is no written tenancy agreement in evidence for this tenancy which began on November 15, 2011. Monthly pad rent of \$308.65 is due and payable in advance on the first day of each month.

Copies of several 10 day notices to end tenancy for unpaid rent were submitted in evidence, as follows:

February 8, 2012

June 20, 2012

August 29, 201[2]

February 7, 2013

The 10 day notice to end tenancy for unpaid rent dated February 7, 2013, was served by way of posting on the tenant's door on that same date. The notice documents that \$807.30 remained unpaid when due on February 1, 2013, and the date shown on the notice by when the tenant must vacate the pad is February 17, 2013. Subsequently, the tenant has made no further payment toward rent and he continues to reside in his manufactured home on the pad.

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 affirmed testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated February 7, 2013. The tenant did not pay the full amount of rent outstanding within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

During the hearing the parties undertook to work together outside of the hearing in order to determine a specific date for ending the tenancy, which might address some of the requirements of both parties.

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 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: March 19, 2013

Residential Tenancy Branch

