



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0868732 BC Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 82 of the *Manufactured Home Park Tenancy Act (Act)*, and was posted on the tenant's door on March 29, 2013. The tenant was deemed to be served the hearing documents on the third day after they were posted as per section 83(c) of the *Act*.

The landlord's agent appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Manufactured Home Park Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Preliminary Issues

The landlord's agent provided the legal first name of the landlord's agent named on the application. As this name had been included under the agents name on the third page of the application the tenant would be aware of the landlord's agent's first name and this

name has been amended as requested. The landlords agent also provided the landlords business name and this name has been included on the Decision.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession due to unpaid rent?

Background and Evidence

The landlord's agent testifies that this tenancy started on August 20, 2008. Pad rent for this site is \$299.80 per month and rent is due on the first day of each month.

The landlord's agent testifies that the tenant has been late with rent on many occasions. The landlord has provided copies of four previous 10 Day Notices issued to the tenant. The landlord's agent testifies that the tenant failed to pay rent for March, 2013 plus the rent arrears from previous months. A 10 Day Notice was issued again on March 11, 2013 and was posted to the tenant's door. This Notice informed the tenant that there is rent owing of \$912.10 which was due on March 01, 2013. The tenant had five days to either pay the outstanding rent or dispute the Notice.

The landlord's agent testifies that the tenant failed to pay rent for April on the day it was due but did pay \$300.00 on April 03 and \$100.00 on April 21, 2013. These amounts were accepted by the landlord and the tenant was informed that the amounts were accepted for a temporary tenancy and the tenant was made aware that the landlord was not reinstating the tenancy.

The landlord seeks an Order of Possession effective on June 30, 2013 to give the tenant time to remove the trailer from the park.

Analysis

I have carefully considered all the evidence before me, including the sworn testimony of the landlord.

I accept that the tenant was served the 10 Day Notice to End Tenancy for unpaid rent, pursuant to section 81 of the *Manufactured Home Park Tenancy Act (Act)*. The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the outstanding rent within five days nor apply to dispute the Notice to End Tenancy within five days.

Based on the foregoing, I find that the tenant is conclusively presumed, under section 39(5) of the *Act*, to have accepted that the tenancy ended on the effective date of the Notice and grant the landlord an order of possession as requested pursuant to s. 48 of the *Act*.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **on June 30, 2013**. This order must be served on the Respondent and may be filed in the Supreme 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: April 26, 2013

Residential Tenancy Branch