



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SRSN VENTURES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR,

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, and a monetary order based on unpaid rent.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on April 16, 2013, to the tenant's manufactured home, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord's agent appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?
Is the landlord entitled to a monetary order?

Background and Evidence

Based on the testimony of the landlord's agent, I find that the tenant was served with a notice to end tenancy for non-payment of rent on November 5, 2013 by posting to the door of the manufactured home. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlord's agent stated they have not seen the tenant since October 2012, and later they placed a missing person report with the local police. The landlord's agent stated the report came back that it appeared the tenant may have been living in another province, however, the police would not confirm that. The landlord is unsure if the site was abandoned by the tenant and seeks an order of possession based on unpaid rent.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the Notice and 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.

I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$2,080.00 comprised of rent from November 2012 to May 2013 and the \$50.00 fee paid by the landlord for this application. I grant the landlord an order under section 60 of the Act.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession, and I grant a monetary order in the above amount.

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: May 23, 2013

Residential Tenancy Branch