



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Timberland Trailer Park Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the *Manufactured Home Park Tenancy Act (the "Act")* for an order of possession for the manufactured home pad site due to unpaid pad rent, a monetary order for unpaid pad rent, and to recover the filing fee.

The tenants did not appear at the telephone conference call hearing. The landlord appeared and gave affirmed testimony.

The landlord testified that each tenant was served with their Application for Dispute Resolution and Notice of Hearing (the Hearing Package) by registered mail on June 25, 2013. The landlord supplied the receipts and the customer receipts containing the tracking number of the registered mail envelopes.

I find the tenants were served the hearing package, including the notice of this hearing, in a manner complying with section 82 of the Act and the hearing proceeded in the tenants' absence.

The landlord was provided the opportunity to present her evidence orally and to refer to documentary evidence timely submitted prior to the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the manufactured home pad site due to unpaid pad rent, a monetary order and to recover the filing fee?

Background and Evidence

According to the landlord, this tenancy began in November 2012, after these tenants purchased a manufactured home on the present site. The landlord further submitted that although the tenants indicated they would execute a tenancy agreement, they have since refused to do so.

The landlord said that monthly pad rent is \$270, which the tenants paid until March 2013. Since that time the tenants have failed to make any further pad rent payments.

The landlord gave evidence that on June 9, 2013, she served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), by posting it on the tenants' door, listing unpaid pad rent of \$1080 as of June 1, 2013. The effective vacancy date listed on the Notice was June 24, 2013.

The Notice informed the tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explained the tenants had five days to dispute the Notice.

The landlord stated that since the tenants have not paid rent since the issuance of the Notice, they currently owe additional unpaid pad rent for July and August, for a total amount due of \$1620.

I have no evidence before me that the tenants applied to dispute the Notice.

Analysis

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

I find the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent, did not pay the outstanding rent or apply to dispute the Notice within five days of service and are 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 therefore find that the landlord is entitled to an order of possession for the manufactured home pad site effective two days after service of the order upon the tenants.

I also find that the landlord has established a total monetary claim of \$1670 comprised of outstanding pad rent of \$1620 through August 2013, and the \$50 filing fee paid by the landlord for this application.

Conclusion

I grant the landlord a final, legally binding order of possession, which is enclosed with the landlord's Decision. Should the tenants fail to vacate the manufactured home pad site pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$1670, which I have enclosed with the landlord's Decision.

Should the tenants fail to pay the landlord this amount without delay, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement 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* and is being mailed to both the applicant and the respondents.

Dated: August 16, 2013

Residential Tenancy Branch

