



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CEDAR SPRINGS RV & MOBILE HOME PARK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *OPR, MNR, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The landlord served the tenant with the notice of hearing on August 14, 2013 by registered mail and filed a copy of the tracking slip. Despite having been served with the notice of hearing the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

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

Background and Evidence

The tenancy started over ten years ago. The current monthly rent is \$496.78 due in advance on the first of each month.

The tenant failed to pay rent for July 2013 and on July 23, 2013; the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The tenant did not dispute the notice. In addition, the tenant did not pay rent and his mobile home continues to occupy the rental pad. At the time of this hearing the tenant owed rent for July, August and September in the total amount of \$1,471.95

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for \$1,521.95 which consists of unpaid rent plus \$50.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on July 23, 2013 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 39 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 48, I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I further find that the landlord has established a claim for unpaid rent in the amount of \$1,471.95. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a total claim of \$1,521.95. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$1,521.95.

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: September 18, 2013

Residential Tenancy Branch

