



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, neither tenant appeared. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "unclaimed by recipient."

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, tenancy began on December 1, 2011. Monthly rent is due and payable in advance on the first day of each month. The current monthly rent is \$342.00.

Arising from rent which remained unpaid when due on August 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 30, 2013. The notice was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered." A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent and they abandoned the unit without providing a forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated August 30, 2013. The tenants 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 tenants 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. Even while the tenants have now abandoned the unit, the landlord seeks an **order of possession**, and I find that the landlord has established entitlement to same pursuant to section 49.1 of the Act which speaks to **Order of possession: tenancy frustrated**.

As for the **monetary order**, I find that the landlord has established entitlement to a claim of **\$2,278.00**, which is calculated as follows:

\$2,053.00: *total unpaid rent from March 1 to October 31, 2013*

\$175.00: *total of fees assessed for late payment of rent for the above period*

\$50.00: *filing fee*

Going forward, the attention of the parties is drawn to the following sections of the Act and Regulation:

ACT

Section 81: **How to give or serve documents generally**

Section 82: **Special rules for certain documents**

Section 64: **Director's orders: delivery and service of documents**

REGULATION

Part 6 – Abandonment of Personal Property

Sections 34 - 41

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **October 31, 2013**. This order must be served on the tenants. Should the tenants 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.

Pursuant to section 60 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,278.00**. This order may be served on the tenants, filed in the Small Claims 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: October 24, 2013

Residential Tenancy Branch

