



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DUCK LAKE ENTERPRISES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 48;
2. A Monetary Order for unpaid rent - Section 60;
3. An Order to recover the filing fee for this application - Section 65.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 82 and 83 of the *Manufactured Home Park Tenancy Act* the tenant did not participate in the conference call hearing.

Preliminary matters

The style of cause in this matter has been amended to reflect the removal of a party to the proceedings (a bankruptcy trustee) as they are not the tenant and are not captured in the *Definitions* of a tenant by the Act.

In the absence of the tenant the landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began in 2006. Rent in the amount of \$395.40 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of November

2013 through to February 2014 and on February 04, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the months of March and April 2014. The landlord's monetary claim is for the unpaid rent, and further seeks an Order of Possession of the pad.

Analysis

Based on the testimony and document evidence before me I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed 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**.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

Calculation for Monetary Order

Rental arrears	\$2372.40
Filing fee	50.00
Total monetary award	\$2422.40

Conclusion

I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant. The tenant must be served with this Order. Should the tenant 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.

I grant the landlord an Order under Section 60 of the Act for the sum of **\$2422.40**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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 08, 2014

