



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Lombardy Management Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on June 24, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on June 29, 2014, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy began in August 2012. The tenant rents a site in a manufactured home park. Current rent in the amount of \$300 is payable in advance on the first day of each month. The tenant failed to pay rent for several months and on June 6, 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 July and August 2014.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, indicating a monthly rent of \$300 due on the first of each month;

- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on June 16, 2014, with an effective vacancy date of June 16, 2014, for failure to pay rent in the amount of \$2215 that was due on June 1, 2014;
- a copy of a ledger showing that as of June 1, 2014, the tenant owed \$2215 in unpaid rent and late fees;
- testimony that the park rules allow the landlord to charge \$25 for late payment of rent or NSF cheques;
- a copy of a Proof of Service of 10 Day Notice to End Tenancy for Unpaid Rent form, showing that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the notice on the tenant's door in the presence of a witness on June 6, 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed June 20, 2014.

### Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on June 9, 2014.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$2865. The landlord is also entitled to recovery of the \$50 filing fee.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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 for the balance due of \$2915. This order may be 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: August 19, 2014

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Residential Tenancy Branch

