



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Harrison Bay Resort and RV Park Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OP MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing posting to the door of the rental unit on July 13, 2014. The tenant has spoken to the landlord since the documents were posted to the door of the rental unit and he has confirmed to the landlord that he received the application for dispute resolution and Notice of Hearing as well as the landlord's documentary evidence in support of this application. Based on the tenant's acknowledgement to the landlord that he has received the documents I find, pursuant to section 71 (2) of the *Residential Tenancy Act*, that the tenant has been sufficiently served with the application for dispute resolution and Notice of the Hearing on July 16, 2014.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began before the landlord purchased the rental property in 2006. There is no written tenancy agreement and the tenant did not pay a security deposit. The rental unit is a cabin located in the landlord's RV park. The current monthly rent for the unit is \$730.00. The tenant has been in arrears in his rental payments since August, 2013. The last rental payment made by the tenant was in March, 2014 when he paid the sum of \$2,000.00, leaving \$2,376.00 in arrears. On June 1, 2014 the landlord served the tenant with a one month Notice to End Tenancy for repeated late payments of rent. The Notice was served by posting it to the door of the rental unit. As of June 1, 2014 the

outstanding rent was \$4,566.00. The tenant has not applied to dispute the Notice to End Tenancy and he has made no further rent payments. As of the date of the hearing the outstanding rent amount is \$6,756.00.

Analysis

Section 47 of the Act requires that upon receipt of a one month Notice to End Tenancy for cause the tenant may dispute the Notice within 10 days by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order – The landlord has established that the tenant owes an amount that exceeds \$5,000.00. The landlord has abandoned any claim to an amount greater than \$5,000.00 and I find that the landlord has established a total monetary claim of \$5,000.00 for the outstanding rent for the duration of the tenancy. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$5,050.00 and I grant the landlord an order under section 67 in the said amount. 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 *Residential Tenancy Act*.

Dated: September 09, 2014

Residential Tenancy Branch

