



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES INC.
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 *Manufactured Home Park 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 13, 2014 by registered mail. The landlord filed a copy of the tracking slip and testified that the package had been successfully delivered. 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 in October 1988. The current monthly rent is \$830.40 due in advance on the first of each month.

The tenant failed to pay full rent for several months and was served multiple notices to end tenancy for non payment of rent. The last notice was served on the tenant on July 09, 2014 for \$1,007.00 in unpaid rent. The tenant did not dispute the notice. The landlord testified that at the time of this hearing the tenant owed \$2,692.80 in unpaid rent.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for \$2,742.80 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 09, 2014 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 \$2,692.80. 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 \$2,742.80. 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 \$2,742.80.

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 04, 2014

Residential Tenancy Branch

