



Dispute Resolution Services

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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 October 17, 2014, by registered mail and provided a copy of the tracking slip. 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.

At the start of the hearing the landlord informed me that the tenant had moved out at the end of October. The landlord found out that new occupants had moved into the mobile home. The landlord requested an order of possession and also requested that her application for a monetary order be dismissed with leave to reapply.

In the absence of the tenant and at the landlord's request, I make no findings on the merits of the landlord's application for a monetary order and I order that this portion of the landlord's application be dismissed with leave to reapply. Liberty to reapply is not an extension of any applicable limitation period.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The rental unit consists of a pad that houses the tenant's mobile home. The current monthly rent is \$815.65 due in advance on the first of each month.

The tenant failed to pay rent for several months and on September 17, 2014 the landlord served the tenant with a notice to end tenancy for non payment of rent, by posting the notice on the door of the mobile home. The tenant did not dispute the notice and moved out without informing the landlord or paying outstanding rent.

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 September 17, 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.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord's application for a monetary order is dismissed with leave to reapply.

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: November 28, 2014

Residential Tenancy Branch

