



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GREEN ACRES MOBILE HOME PARK  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            OPR, OPC, MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for an order of possession, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing, by registered mail, on May 8, 2015, the tenant did not appear. A Canada post tracking number was provided as evidence of service. I find that the tenant has been duly served in accordance with the Act.

The landlord, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

### Background and Evidence

Based on the testimony of the landlord, I find that the tenant was served with a notice to end tenancy for non-payment of rent on April 10, 2015, and a notice to end tenancy for cause, by posting to the door. The landlord indicated that copies were also sent by regular mail.

The notice to end tenancy for non-payment of rent informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlord testified that when the notice to end tenancy was issued for non-payment of rent on April 10, 2015, the tenant was in rent arrears of \$1,223.90. The landlord stated that on April 15, 2015, the tenant made a partial payment of rent in the amount of \$561.00, leaving the balance of unpaid rent in the amount of \$662.90.

The landlord testified that rent for May 2015 and June 2015, were not paid in the total amount of \$1,156.30, leave the total rent arrears in the amount of \$1,819.20.

The landlord indicated that they received a payment of \$461.00 on May 26, 2015 and a further payment of \$381.00 in June 2015. The landlord seeks an order of possession and a monetary order for unpaid rent in the amount of \$977.20.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent, did not apply to dispute the notice, and is therefore conclusively presumed under section 48(2) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlords are entitled to an order of possession, pursuant to section 50 of the Act, 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.

I find that the landlords have established a total monetary claim of **\$1,027.20** comprised of unpaid rent as stated above and the **\$50.00** fee paid by the landlords for this application. I grant the landlords an order pursuant to section 60 of the Act. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

As I have granted the landlords an order of possession on the basis of unpaid rent, I find there is no requirement to consider their application to grant an order of possession based on cause.

### Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlords are granted an order of possession and a monetary order in the above amount.

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: June 19, 2015

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Residential Tenancy Branch

