



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, OPR, MNR & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession pursuant to a 12 month Notice to End Tenancy?
- b. An Order for Possession for non-payment of rent?
- c. A monetary order in the sum of \$\$215.40 for unpaid rent?
- d. An order to recover the cost of the filing fee?

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 12 month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the tenant resides on August 21, 2014. I find that the 10 day Notice to End Tenancy was served on the Tenant by mailing, by registered mail on September 11, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on September 11, 2015. The landlord testified a search of the Canada Post tracking service indicates it was accepted for service by the Tenant on September 23, 2015.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The landlord testified she does not know the length of the tenancy. The park was purchased by the landlord in 2012. The tenancy was in existence prior to the purchase of the park. There is no

written tenancy agreement. The rent is \$215.40 per month payable in advance on the first day of each month.

The landlord testified the park is being closed.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a 12 month Notice to End Tenancy on the Tenant(s). The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession on 2 days notice..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of September and the sum of \$215.40 remains outstanding. I granted the landlord a monetary order in the sum of \$215.40 plus the sum of \$50 in respect of the filing fee for a total of \$265.40.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion

I granted an Order for Possession on 2 days notice and I ordered the Tenants to pay to the Landlord the sum of \$265.40.

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 18, 2015

Residential Tenancy Branch

