



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Retire West Communities and Brent Rankin  
and [tenant name suppressed to protect privacy]

## **DECISION**

Codes: MNR, OPR, FF

### Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order for unpaid rent. Only the landlord attended the application. Upon the evidence of the landlord's agent I found that the tenant had been served with the Notice to End the Tenancy for non-payment of rent dated August 11, 2015 by posting it to his door on that date. I found that the tenant had been served with the application for dispute resolution by registered mail on October 13, 2015.

### Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

### Background and Evidence:

The landlord's agent BR testified that the tenancy began on April 1, 2013 with rent in the amount of \$ 296.00 due in advance on the first day of each month. The landlord's agent testified that the arrears from June 1, 2010 through November 2015 were \$ 4,942.92. The landlord sought an Order for possession and a monetary Order for unpaid rent to date as well as the filing fee.

Analysis:

The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenant.

I find that the landlord has established a claim for unpaid rent totalling \$ 4,942.92 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 3,999.40 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlord an order under section 60 for the balance due of **\$ 3,999.40**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed the balance of the landlord's monetary claim 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 23, 2015

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Residential Tenancy Branch

