



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mulberry Park Developments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR MNR

Introduction

This matter was initially conducted by way of Direct Request Proceeding, pursuant to section 48(4) of the *Manufactured Home Park Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

The adjudicator conducting the Direct Request Proceeding found that there was insufficient evidence to proceed with the application in that format, and adjourned the matter to a teleconference hearing.

The landlord participated in the teleconference hearing, but the tenant did not. The landlord submitted evidence that they served the tenant with the interim decision and notice of hearing by registered mail sent on January 11, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on January 16, 2016, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began in 2002. In 2015, rent of \$400.00 was payable in advance on the first day of each month. On January 1, 2016 the rent was increased to \$410.00 per month. The tenant failed to pay full rent in the months of October and November 2015, and on November 7, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant made partial payment of the outstanding rent, but further failed to pay rent in the months of December 2015 and January 2016. The landlord stated that at the time of the hearing the tenant owed \$1,056.70.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord; indicating rent is due on the first day of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on November 7, 2015, with an effective vacancy date of November 23, 2015, for failure to pay outstanding rent; and
- evidence showing that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail sent on November 7, 2015.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on November 12, 2015.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under the Act. I find that the tenant is conclusively presumed to have accepted that the tenancy ended on November 23, 2015, the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$1,056.70 in unpaid rent and lost revenue.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 60 for the amount due of \$1,056.70. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: January 28, 2016

Residential Tenancy Branch

