



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend although the landlord served that tenant by registered mail sent to the address of the rental site on February 12, 2016.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is a manufactured home site in the landlord's park. The monthly pad rent is \$278.00, payable on the first of each month. The tenant failed to pay rent for November when it was due and has not paid rent since then. The landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated January 30, 2016 by posting a copy to the door of the tenant's home on the site.

The Notice required the tenant to pay rent in the amount of \$834.00 within five days or to move out of the rental unit by February 5, 2016. The tenant did not pay the rental arrears and he did not apply to dispute the Notice to End Tenancy.

The landlord testified at the hearing that the tenant appears to have abandoned the rental unit and the tenant's trailer is currently unoccupied. The landlord has spoken to the tenant. The tenant told him that he is living in an apartment, but he has not provided the landlord with his current address. The landlord said that the tenant has attended at the rental site to pick up his mail and he is aware that the landlord is seeking an order of possession. The tenant has not paid rent since October, 2015 and he has not lived in

the trailer on the site since November, 2015. The tenant has removed his personal belongings from the trailer. The landlord testified that the trailer is deteriorated and uninhabitable.

Analysis

The landlord served the tenant with a Notice to End Tenancy by posting it to the door of the rental unit. The tenant is aware that the landlord is seeking an order of possession and I find that he has been sufficiently served with notice of this proceeding for the purposes of the request for an order of possession. The landlord is entitled to consider that the tenant has abandoned the trailer on the manufactured home site pursuant to section 34 of the Manufactured Home Park Tenancy Regulation. He has not occupied the property for several months, he has not paid rent, he has removed all of his personal property and given the condition of the trailer on the site, the tenant cannot reasonably be expected to return to the manufactured home site.

I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

The landlord's application for a monetary award is dismissed with leave to reapply because the tenant has not been served with this application in accordance with the provisions of section 82 of the *Manufactured Home Park Tenancy Act*.

Conclusion

The landlord has been granted an order of possession; his 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: March 03, 2016

Residential Tenancy Branch

