



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The tenancy started on or about December 2007. The current monthly pad rent is \$400.00 due in advance on the first of each month.

The tenant failed to pay rent on February 01, 2016. On February 16, 2016, the landlord served the tenant with a ten day notice to end tenancy for non-payment of rent, in the amount of \$400.00. The tenant did not dispute this amount or pay rent within five days of receiving the notice and his mobile home continues to occupy the rental pad.

The landlord testified that just two days prior to this hearing, a friend of the tenant visited the landlord and paid all the outstanding rent. The landlord did not provide a receipt but informed the friend that the tenancy would be ending anyways.

The agent for the tenant stated that the tenant is looking to move and is in the process of making arrangements for a mover and for his utility account to be closed.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for the filing fee.

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on February 16, 2016 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 39 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 48 I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I further find that since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$100.00.

Overall the landlord has established a total claim of \$100.00. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$100.00.

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 31, 2016

Residential Tenancy Branch