



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ESKINELOPMENTS LIMITED  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNR, MNDC, 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 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 to recover unpaid rent and the filing fee?

### **Background and Evidence**

The parties agreed to the following:

The tenancy started on March 31, 2013. The tenant rents a pad from the landlord for a current monthly rent of \$608.00. Rent is due in advance on the first of each month. The tenant failed to pay rent on May 01, 2016. On May 09, 2016, the landlord served the tenant with a ten day notice to end tenancy for non-payment of rent. The tenant did not dispute the notice. The tenant also continued to occupy the rental pad without paying rent. At the time of the hearing, the tenant agreed that he owed rent for May and June in the total amount of \$1,216.00.

The landlord has applied for an order of possession effective two days after serving it on the tenant and for a monetary order in the amount of \$1,316.00 which consists of unpaid rent plus \$100.00 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 May 09, 2013 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(2), 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 also find that the landlord has established a claim of \$1,316.00 for unpaid rent and the filing fee. 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 **\$1,316.00**.

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: June 21, 2016

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Residential Tenancy Branch