



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KENDELL ACRES MOBILE HOME PARK  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** *OPC, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for the filing fee.

The landlord testified that he served the tenant with a notice of hearing on August 26, 2016 in person. Despite having been served a notice of hearing by the landlord, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing, the landlord stated that he wished to withdraw his application for the recovery of the filing fee.

### **Issues to be decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The tenancy started on December 01, 2012. The monthly pad rent is \$300.00. The landlord testified that the tenant paid rent late repeatedly and filed copies of rent receipts that indicate that from July 2015, the tenant was late on seven different occasions. On June 08, 2016, the landlord served the tenant with a notice to end tenancy for cause. One of the reasons for the notice is that the tenant is repeatedly late paying rent.

The landlord filed a proof of service document to support his testimony that the notice to end tenancy was served in person in the presence of a witness. The tenant did not dispute the notice. The landlord stated that as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on June 08, 2016 and did not make application, pursuant to Section 40 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential 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.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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: September 01, 2016

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Residential Tenancy Branch