

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNR OPR

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* ("the Act") for orders as follows:

- an Order of Possession pursuant to section 48;
- a Monetary Order for unpaid rent and late fees pursuant to section 60; and
- to recover the filing fee from the tenant for the cost of this application pursuant to section 65.

The tenant did not appear. The agent for the landlord, LM, along with park manager, TM, appeared on behalf of the landlord. Both were given a full opportunity to be heard, to present evidence and to make submissions. LM confirmed that he had permission to speak and make decisions on behalf of the landlord. LM provided evidence that a 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") was sent to the tenant via Registered Mail on December 12, 2016. A Canada Post tracking number was provided to the hearing. In accordance with sections 81(c) and 83 of the *Act* the tenant is found to have been served with the 10 Day Notice on December 17, 2016.

LM gave sworn testimony that the Application for Dispute Resolution hearing package ("Application for Dispute Resolution") along with an evidentiary package was sent to the tenant by Registered Mail on January 31, 2017. A Canada Post tracking number was provided to the hearing. As per section 82 and 83 of the *Act*, I accept that the tenant was deemed served with the Application for Dispute Resolution hearing package on February 4, 2017, the fifth day after the registered mailing.

At the outset of the hearing, the landlord stated that he wished to withdraw all of his monetary claims associated with this hearing. The landlord explained that he had spoken with the tenant and the tenant informed that he would accept the 10 Day Notice provided the monetary order and the request for a return of the filing fee are abandoned by the landlord.

Issue(s) to be Decided

Is the landlord entitled to an order of possession of the manufactured home site?

Background and Evidence

LM gave evidence that this tenancy was present when the current landlord purchased the manufactured home park site in July 2016. The tenant currently pays \$710.00 rent on the 1st of every month.

On December 12, 2016 the tenant was sent by Registered Mail a 10 Day Notice for unpaid rent. LM provided evidence that rent had gone unpaid for the months of December 2016, as well as January and February 2017.

Analysis - Order of Possession – 1 Month Notice

Based on the landlord's undisputed evidence, I am satisfied that the landlord had sufficient grounds to issue the 10 Day Notice to end this tenancy. The tenant has not made application pursuant to section 40 of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 40(5) of the *Act*, the tenant's failure to take this action within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by December 27, 2016. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession.

Conclusion

I am granting the landlord an Order of Possession to be effective two days after notice is served to the tenant. The landlord will be given a formal Order of Possession which must be served on the tenant. Should the tenant or any other occupant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord has withdrawn his application for a Monetary Order and its application to recover the filing fee.

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: February 28, 2017

Residential Tenancy Branch