



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR MNR FF

### **Introduction:**

Only the landlord attended and gave sworn testimony. She said the 10 Day Notice to End Tenancy dated January 11, 2017 to be effective January 20, 2017 and the Application for Dispute Resolution were both served by posting them on the door of the home and also by sending them by registered mail. Receipts were provided as evidence and I verified that the application had been received on February 8, 2017. The landlord applies pursuant to the *Manufactured Home Park Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 58 for unpaid rent;
2. An Order of Possession pursuant to Section 48; and
3. An order to recover the filing fee pursuant to Section 65.

### **Preliminary Issue:**

The landlord had not applied for an Order of Possession on her application as she has sold the park and did not understand the procedure. She asked that the application be amended to include the request for an Order of Possession. I granted her request. Although the tenant was not present at the hearing, I find the Notice to End Tenancy clearly states if he does not dispute the Notice within 5 days, he is presumed to have accepted the tenancy is ending at the date set out in the Notice and if he does not move out, the landlord may apply for an Order of Possession.

### **Issues to be Decided:**

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy is ended and that they are entitled to an Order of Possession, a monetary order for rent arrears and to recover the filing fee for this application?

### **Background and Evidence:**

The tenant did not attend the hearing or dispute the Notice to End Tenancy although served by registered mail with the Application/Notice of Hearing. The Notice to End Tenancy was a ten day notice given for unpaid rent pursuant to section 39 of the Act dated January 11, 2017 to be effective January 20, 2017. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord is requesting an order of possession and a monetary order for rental arrears in the amount

of \$7590. The landlord stated in the hearing that monthly rent for the site was \$230 and rent has not been paid since May 2014. She is claiming rent owed to January 2017. She said an older person was managing the park and some things did not get done.

In evidence are copies of the Notice to End Tenancy, the tenancy agreement and the registration receipt. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis:**

**Order of Possession**

I find that the landlord is entitled to an Order of Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 39 to set aside the Notice to End a 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. An Order of Possession effective March 31, 2017 is issued to the landlord.

**Monetary Order**

I find that there are rental arrears in the amount of \$7590 comprised of \$230 unpaid rent per month from May 2014 to January 2017.

**Conclusion:**

The tenancy ended on January 20, 2017 per the Notice to End Tenancy. I find the landlord is entitled to an Order of Possession effective March 31, 2017 and a monetary order for \$7590 (\$230 x 33 months). I find that the landlord is entitled to recover filing fees paid for this application for a total monetary order for \$7690.

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 09, 2017

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Residential Tenancy Branch