



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KING GEORGE MOBILE HOME PARK LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OPR MNR FF

### **Introduction:**

Only the landlord's authorized representative (hereinafter called 'the landlord') attended the hearing and gave sworn testimony. He provided evidence that the Notice to End Tenancy and the Application for Dispute Resolution hearing package were served by registered mail and signed for by the tenant's representative. I find the documents were legally served pursuant to sections 81 and 82 of the Act. The landlord applied pursuant to the *Manufactured Home Park Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 60;
2. An Order of Possession pursuant to Section 48; and
3. An order to recover the filing fee pursuant to Section 65.

However, in the hearing, the landlord withdrew their application for a monetary order and filing fee. They seek an Order of Possession only.

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

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy should be ended and that they are entitled to an Order of Possession?

### **Background and Evidence:**

The tenant did not attend the hearing or dispute the Notice to End Tenancy although served 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. The landlord was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenant has died and is represented by his son who the landlord said is cooperative and trying to solve the problems. The landlord said this is a very old trailer and it will probably have to be removed at a cost to the landlord.

The landlord is requesting an order of possession. The outstanding rent of \$1422 for February and March 2017 has not been paid. The landlord is waiving a monetary order for unpaid rent.

**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.

**Conclusion:**

The tenancy ended on March 3, 2017 pursuant to the Notice to End Tenancy. I find the landlord is entitled to an Order of Possession effective two days from service. The landlord has waived the filing fee and a monetary order for unpaid rent.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 04, 2017

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Residential Tenancy Branch