



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 48(4) of the *Manufactured Home Park Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent.

The landlord submitted two signed Proofs of Service of the Notices of Direct Request Proceeding which declare that on July 3, 2017, the landlord sent the tenants the Notices of Direct Request Proceeding by registered mail to the rental unit. The landlord provided a copy of the Canada Post Customer Receipts containing the Tracking Numbers to confirm these mailings. Based on the written submissions of the landlord and in accordance with sections 82 and 83 of the *Act*, I find that the tenants have been deemed served with the Direct Request Proceeding documents on July 8, 2017, the fifth day after their registered mailing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 39 and 48 of the *Act*?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proofs of Service of the Notices of Direct Request Proceeding served to the tenants;
- A copy of a manufactured home park tenancy agreement which was signed by the landlord on May 30, 2016 and the tenants on May 20, 2016, indicating a monthly rent of \$425.00, due on the first day of the month for a tenancy commencing on June 28, 2016;

- A Monetary Order Worksheet showing the rent owing and paid during the relevant portion of this tenancy. The Monetary Order Worksheet noted that \$425.00 of the \$425.00 identified as owing in the 10 Day Notice was paid on June 26, 2017;
- A copy of a receipt dated June 28, 2017, for \$425.00 of rent, paid by the tenants, which the landlord has indicated is “for use and occupancy only”; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated June 6, 2017, and sent to the tenants by registered mail on June 7, 2017, with a stated effective vacancy date of June 30, 2017, for \$425.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the 10 Day Notice was sent to the tenants by registered mail at 2:00 pm on June 7, 2017. The landlord provided a copy of the Canada Post Customer Receipt containing the Tracking Number to confirm this mailing. The 10 Day Notice states that the tenants had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

Analysis

I have reviewed all documentary evidence and in accordance with sections 81 and 83 of the *Act*, I find that the tenants were deemed served with the 10 Day Notice on June 12, 2017, five days after its registered mailing.

I find that the tenants were obligated to pay the monthly rent in the amount of \$425.00, as per the tenancy agreement.

I accept the evidence before me that the tenants have failed to pay the rent owed in full by June 17, 2017, within the 5 days granted under section 39(4) of the *Act* and did not dispute the 10 Day Notice within that 5 day period.

Based on the foregoing, I find that the tenants are conclusively presumed under section 39(5) of the *Act* to have accepted that the tenancy ended on the effective date of the 10 Day Notice, June 30, 2017.

Therefore, I find that the landlord is entitled to an Order of Possession for unpaid rent owing for June 2017 as of June 30, 2017.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenants. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: July 10, 2017

Residential Tenancy Branch