



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### 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 landlords for an Order of Possession based on unpaid rent and a monetary Order.

The landlords submitted two signed Proofs of Service of the Notice of Direct Request Proceeding which declare that on July 21, 2017, the landlords personally served the tenants the Notices of Direct Request Proceeding. The landlords had a witness sign the respective Proofs of Service of the Notice of Direct Request Proceeding for each tenant to confirm personal service. Based on the written submissions of the landlords and in accordance with section 82 of the *Act*, I find that the tenants have been duly served with the Direct Request Proceeding documents on July 21, 2017, the day they were personally served to them.

### Issue(s) to be Decided

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

Are the landlords entitled to monetary compensation for unpaid rent pursuant to section 60 of the *Act*?

### Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of a manufactured home park tenancy agreement which was signed by the landlords and the tenants on February 08, 2017, indicating a monthly rent of \$320.00, due on the first day of the month for a tenancy commencing on February 01, 2017;

- A Monetary Order Worksheet showing the rent owing and paid during the relevant portion of this tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated July 07, 2017 with a stated effective vacancy date of July 17, 2017, for \$320.00 in unpaid rent.

Witnessed documentary evidence filed by the landlords indicates that the 10 Day Notice was posted to the tenants' door at 2:50 p.m. on July 07, 2017. The Notice states that the tenants had five days from the date received 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 July 10, 2017, three days after its posting.

I find that the tenants were obligated to pay the monthly rent in the amount of \$320.00, as per the tenancy agreement.

I accept the evidence before me that the tenants have failed to pay the rent owed in full 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 corrected effective date of the 10 Day Notice, July 20, 2017, pursuant to section 46 of the *Act*.

Therefore, I find that the landlords are entitled to an Order of Possession and a monetary Order in the amount of \$320.00, the amount claimed by the landlords, for unpaid rent owing for July 2017 as of July 20, 2017.

### Conclusion

I grant an Order of Possession to the landlords 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.

Pursuant to section 60 of the *Act*, I grant the landlords a monetary Order in the amount of \$320.00 for rent owed for July 2017. The landlords are provided with this Order in the above terms and the tenants must be served with **this Order** as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 31, 2017

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Residential Tenancy Branch