



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOMBARDY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act" for an Order of Possession for unpaid rent pursuant to section 48.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The corporate landlord was represented by its agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice"), dated August 4, 2017 was served on the tenant on that date by registered mail. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was deemed served in accordance with sections 81 and 83 of the Act, on August 9, 2017, five days after mailing.

The landlord testified that the landlord's application for dispute resolution dated August 21, 2017 and evidentiary materials were sent to the tenant by registered mail on that date. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was deemed served with the landlord's application package in accordance with sections 82 and 83 of the Act on August 26, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. The monthly rent for this tenancy is \$342.00 payable on the first of the month. The tenant failed to pay the rent for the month of August, 2017 and the 10 Day Notice was issued. The tenant did not make any payment since the 10 Day Notice was issued nor are they aware of the tenant having filed a dispute of the 10 Day Notice.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$342.00. I accept the landlord's evidence that the tenant failed to pay the full rent due within the 5 days of service granted under section 39(4) of the *Act* nor did the tenant dispute the 10 Day Notice within that 5 day period. Accordingly, I find that the tenant is 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, August 19, 2017. Therefore, I find that the landlord is entitled to an Order of Possession, pursuant to section 48 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenants**. Should the tenant or anyone on the premises 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: November 20, 2017

Residential Tenancy Branch