



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR MNR FF

Introduction

This hearing was convened in response to the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for Orders as follows:

- an order of possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent pursuant to section 60;
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

Issues

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

Is the landlord entitled to a monetary award for unpaid rent?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This manufactured home park tenancy began on May 22, 2014 and the current monthly pad rent is \$287.00 payable on the 1st day of each month.

The landlord testified that on January 8, 2018 the 10 day Notice to End Tenancy for unpaid rent or utilities was sent to the tenants by registered mail. The landlord provided a registered mail tracking number(s) in support of service.

The landlord testified that the tenant did not pay the outstanding amount of rent as indicated in the Notice within five days of service of the Notice.

The landlord's monetary claim is for outstanding rent including late fees in the amount of \$943.00 including rent that was payable on April 1, 2018.

The tenant acknowledged receipt of the 10 Day Notice and acknowledged that the outstanding rent was not paid within 5 days of receipt. The tenant acknowledged and agreed to the amount of rent and late fees outstanding as claimed by the landlord.

Analysis

I am satisfied that the tenant was served with the 10 day Notice to End Tenancy on January 13, 2018, five days after its mailing, pursuant to sections 81 & 83 of the Act.

Section 39 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

I find that the 10 Day Notice issued by the landlord complies with the requirements of Section 45 of the Act, accordingly, the landlord is granted an Order of Possession pursuant to section 48 of the Act.

I accept the landlord's claim for outstanding rent and late fees in the amount of \$943.00.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application for a total monetary award of \$1043.00.

Conclusion

Pursuant to section 48 of the Act, I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) 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 landlord a Monetary Order in the amount of \$1043.00. Should the tenant 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: April 13, 2018

Residential Tenancy Branch