



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords filed under the Manufactured Home Park Tenancy Act, (the “Act”), for an order of possession, for a monetary order for unpaid rent and an order to recover the cost of filing the application from the tenant.

The landlords attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlords testified the Application for Dispute Resolution and Notice of Hearing were served on August 18, 2018 in person. I find that the tenant has been duly served in accordance with the Act.

The landlords appeared gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Preliminary and Procedural matter

At the outset of the hearing the landlords’ indicated that the tenant passed away on September 2, 2018. The landlords’ indicated that they spoke to the tenant’s father and they indicated that they did not want to be involved in this matter. The landlords stated that the hearing should proceed, as the tenant within the 10 day timeframe did not dispute the One Month Notice to End Tenancy for Cause that was issued on May 3, 2018.

In this case, as the landlords seeks to end the tenancy for cause that were prior to the date of deceased. The tenant was served in accordance with the Act. Further I find the

landlords made reasonable steps to notify the deceased family (father of the tenant) of the hearing and no executor or administrator has stepped forward, I find it is not prejudicial to the estate of the deceased party to proceed with today's hearing as the outcome of the hearing would not have changed.

Issues to be Decided

Are the landlords entitled to an order of possession?

Are the landlords entitled to a monetary order?

Are the landlords entitled to recover the cost of the filing fee?

Background and Evidence

Based on the testimony of the landlords, I find that the tenant was served with a One Month Notice to End Tenancy for Cause (the "Notice"), issued on May 3, 2018, in person. The Notice explains the tenant had ten days to dispute the Notice. The Notice further explains if the Notice is not disputed within the ten days that the tenant is presumed to accept the Notice and must move out of the rental unit by the date specified in the Notice.

The landlords testified that the pad rent for the site is \$340.00 per month, payable on the first of the month. The landlords indicated that the tenant was in rent arrears of \$235.00 on July 31, 2018 and that the tenant has not paid subsequent rent. The landlords seek a monetary order for unpaid rent in the amount of \$1,255.00.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenant did not apply to dispute the Notice, within the ten days. Therefore, I find the tenant is conclusively presumed under section 40(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlords are entitled to an order of possession, pursuant to section 50 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlords have established a total monetary claim of **\$1,355.00** for unpaid rent and to recover the filing fee from the tenant for this application.

Conclusion

The tenant failed to dispute the Notice. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlords are granted an order of possession, 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 *Manufactured Home Park Tenancy Act*.

Dated: October 15, 2018

Residential Tenancy Branch