



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding S&H'S HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

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

1. An Order of Possession - Section 48;
2. A Monetary Order for unpaid rent / loss of revenue - Section 60;
3. An Order to recover the filing fee for this application - Section 65.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing by their agent in accordance with Section 89 of the *Manufactured Home Park Tenancy Act* (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began October 01, 2014. Rent in the amount of \$308.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of June, July and August 2018 and on August 06, 2018 the landlord personally served the

tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent when due for the month of September 2018, however satisfied \$600.00 of the total arrears of rent on September 26, 2018. The tenant then failed to pay rent when due for the month of October 2018. The landlord seeks unpaid rent/arrears to the current month of October 2018.

### **Analysis**

Based on the landlord's evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid all the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for **unpaid rent**. The landlord is also entitled to recovery of the filing fee.

#### *Calculation for Monetary Order*

Unpaid rent June – September 2018	\$1232.00
<i>Tenant's payment toward arrears – September 26, 2018</i>	<i>-600.00</i>
Unpaid rent October 2018	308.00
Filing fee to landlord	100.00
<b>Total Monetary award</b>	<b>\$1040.00</b>

As I am granting the rent for October 2018 the Order of possession will be effective **October 31, 2018**.

### **Conclusion**

The landlord's application is granted.

**I grant an Order of Possession** to the landlord effective **October 31, 2018**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**I grant** the landlord an Order under Section 60 of the Act for the amount of **\$1040.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**This Decision is final and binding.**

*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 09, 2018

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Residential Tenancy Branch