



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR

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;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord advised that the tenant named in this application has been deceased since August 2015. At the time of the tenant's passing, the tenant's son came and took all the tenant's possessions from inside the manufactured home. The tenant's son provided only his telephone number as a means of contact. The landlord testified that he has since made numerous attempts to contact the tenant's son without success. The landlord has not been provided with any other contact information as to the personal representative of the deceased's estate.

The landlord testified that on September 4, 2018, a copy of the Application for Dispute Resolution and Notice of Hearing was posted to the door of the rental unit. The landlord provided a witnessed proof of service form in support of service.

Based on the above evidence, I am satisfied the tenant was deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to sections 82 & 83 of the Act. The hearing proceeded in the absence of the tenant.

Issues

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

Background and Evidence

This manufactured home park tenancy began on October 1, 2005.

The landlord testified that on August 16, 2018 he served the tenant with the 10 day Notice to End Tenancy for unpaid rent or utilities by posting a copy to the door of the rental premises. A witnessed proof of service of this Notice was provided with the application.

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.

Analysis

I am satisfied that the tenant was deemed served with the 10 day Notice to End Tenancy on August 19, 2018, three days after its posting, 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, August 29, 2018.

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.

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.

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