



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant on April 02, 2019 by posting the package on the door of the mobile home. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. An application for a monetary order may not be served by posting. I therefore dismiss the monetary portion of the landlord's application with leave to reapply.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for the filing fee?

### **Background and Evidence**

The tenancy started sometime in 1994. The current monthly pad rent is \$660.64 due in advance on the first of each month.

The tenant fell behind on rent and failed to pay the outstanding rent along with rent that was due on March 01, 2019. On March 06, 2019, the landlord served the tenant, in person, with a ten-day notice to end tenancy for non-payment of rent, in the amount of \$1440.09. The tenant did not dispute this amount or pay rent within five days of receiving the notice and her mobile home continues to occupy the rental pad.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for the filing fee.

### **Analysis**

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on March 06, 2019 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 39 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 48 I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I further find that since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00.

Overall the landlord has established a total claim of \$100.00. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$100.00.

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: May 06, 2019

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Residential Tenancy Branch