



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNRL, OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the MHPTA) for:

- an Order of Possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *MHPTA* regulation or tenancy agreement pursuant to section 60; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 65.

The tenant did not attend this hearing, although I waited until 9:40 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord entered written evidence and sworn testimony that he served the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) by registered mail on July 18, 2019. I am satisfied that the landlord served this Notice to the tenant in accordance with section 81 of the *MHPTA*. In accordance with section 83 of the *MHPTA*, the 10 Day Notice was deemed served to the tenant on July 23, 2019, the fifth day after being mailed.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package and evidence was sent to the tenant by registered mail on August 26, 2019. In accordance with sections 82 and 83 of the *MHPTA* I am satisfied that the tenant was deemed served with the landlord's dispute resolution hearing package on August 31, 2019 and the hearing proceeded and completed in the absence to the tenant.

Issues(s) to be Decided

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

The tenancy began on or about July 1, 1983. Rent in the amount of \$321.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of April – July 2019; inclusive, the landlord served the tenant with a notice to end tenancy on July 18, 2019. The tenant further failed to pay rent in the month(s) of August and September. The landlord advised that as of today's hearing the amount of unpaid rent is 2047.00.

Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 39(4) of the *MHPTA* within five days of being deemed to have received the 10 Day Notice. In accordance with section 39(5) of the *MHPTA*, the tenants' failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 48 of the *MHPTA*, which must be served on the tenant(s). If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenant continues to owe the landlord unpaid rent in the amount of \$2047.00 The landlord is also entitled to the recovery of the \$100.00 filing fee pursuant to section 65 of the *MHPTA*. I issue a monetary award in the landlord's favour in the amount of \$2147.00

Conclusion

The landlord is granted an order of possession and a monetary order for \$2147.00.

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: September 19, 2019

Residential Tenancy Branch