



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GEORGIAN PROPERTIES LTD and  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNR

### **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.

The landlord served the tenant with the notice of hearing on October 25, 2019, by registered mail. The landlord filed a tracking number. Despite having been served with 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.

### **Issues to be decided**

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

### **Background and Evidence**

The tenancy started on January 16, 2009. The current monthly rent is \$686.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement.

The tenant failed to pay rent on September 01 and October 01, 2019. On October 07, 2019, the landlord served the tenant with a notice to end tenancy for nonpayment of rent in the amount of \$1,372.00. The tenant did not dispute the notice and continues to occupy the rental unit without paying rent. The landlord testified that at the time of this hearing the tenant owed \$2,744.00 in unpaid rent for the months of September, October, November and December 2019.

The landlord is applying for an order of possession effective January 01, 2020 and for a monetary order for \$2,744.00 for unpaid rent.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on October 07, 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 an order of possession effective by 1:00 pm on January 01, 2020. The Order may be filed in Supreme Court for enforcement.

I further find that the landlord has established a claim for unpaid rent in the amount of \$2,744.00. 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 **by 1:00 pm on January 01, 2020** and a monetary order in the amount of **\$2,744.00**.

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: December 10, 2019

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Residential Tenancy Branch