



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Timberlands Properties Inc.  
and [tenant name suppressed to protect privacy]

## **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 landlord served the tenant with the notice of hearing on June 27, 2020, 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 and the filing fee?

### **Background and Evidence**

The tenancy started on August 01, 2015. The current monthly rent is \$454.00 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 October 01, 2019. The tenant continues to occupy the rental pad without paying rent. On March 05, 2020, the landlord served the tenant with a notice to end tenancy for nonpayment of rent. 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 \$4,450.00 in unpaid rent for the months of October 2019 to July 2020.

The landlord is applying for an order of possession effective August 01, 2020 and for a monetary order for \$4,450.00 for unpaid rent plus \$100.00 for the filing fee.

### **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 March 05, 2020 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 August 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 \$4,450.00. Since the landlord has proven her case, I award the landlord the recovery of the filing fee. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this \$4,650.00. 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 August 01, 2020** and a monetary order in the amount of **\$4,640.00**.

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: July 20, 2020

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Residential Tenancy Branch