



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FFL

Introduction

On February 7, 2021, the Landlords submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* for an order of possession of a rental site, and for a monetary order for unpaid site rent.

The matter was set for a conference call hearing. The Landlord attended the teleconference hearing; however, the Tenants did not. The line remained open while the phone system was monitored for ten minutes and the Tenants did not call into the hearing during this time.

The Landlord testified that they served the Tenants with the Notice of Dispute Resolution Proceeding using registered mail sent on February 20, 2021. A Canada Post tracking number was provided as evidence of service. I find that the Tenants have been duly served with notice of the hearing in accordance with sections 82 and 83 of the Act.

The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

- Is the Landlord entitled to an order of possession for the site?
- Is the Landlord entitled to a monetary order for unpaid rent?
- Is the Landlord entitled to recover the cost of the filing fee?

Background and Evidence

The Landlord testified that the tenancy began in October 2019 on a month to month basis. Rent in the amount of \$350.00 is to be paid to the Landlord by the first day of

each month. The Tenants rent a space to park their recreation vehicle in a driveway. The Tenants use of hydroelectricity is included in the rent.

The Landlord testified that he served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated January 23, 2021 ("the 10 Day Notice") to the Tenants by posting it to the Tenants' door on January 23, 2021

The 10 Day Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenants had five days to dispute the Notice. The Notice indicates that the Tenants have failed to pay rent in the amount of \$1,550.00 due on January 1, 2021.

There is no evidence before me that that the Tenants made an application to dispute the 10 Day Notice.

The Landlord testified that the Tenants did not pay the rent as cited in the 10 Day Notice within 5 days of the Tenants' receiving it.

The Landlord testified that the Tenants have not paid any amount of rent since the 10 Day Notice was issued to them.

The Landlord testified that the Tenants failed to pay the rent for November, December, January, and February 2021, and also owe \$150.00 in arrears from March 2020 rent.

The Landlord seeks an order of possession for the rental site and a monetary order for unpaid rent in the amount of \$1,550.00.

Analysis

Based on the evidence before me, and the testimony of the Landlord, and on a balance of probabilities, I find that the Tenants were served with notice of the hearing and did not attend. I find that the Tenants received the 10 Day Notice and did not pay the outstanding rent within five days of receiving the Notice, and did not apply to dispute the Notice, and are therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlord is entitled to an order of possession, pursuant to section 48 of the Act, effective two days after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

I find that the Tenants owe the Landlord \$1,550.00 for unpaid rent for the above-mentioned months.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

I find that the Landlord has established a total monetary claim of \$1,650.00 comprised of \$1,550.00 in unpaid rent for the above-mentioned months and the \$100.00 fee paid by the Landlord for this hearing. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

Conclusion

The Tenants failed to attend the hearing and failed to dispute the 10 Day Notice or pay the rent due under the tenancy agreement. The Landlords are granted an order of possession and a monetary order for the unpaid rent in the amount of \$1,650.00.

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: March 30, 2021

Residential Tenancy Branch