



# 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 for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail RW#####CA. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This tenancy began May 1, 2006 with monthly pad rent of \$215.00.

On March 26, 2012 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent; the tenant has not filed to dispute this notice.

The landlord testified that the tenant has not paid the pad rent since February 2009 and currently owe the landlord \$8600.00 in unpaid rent. The landlord stated that the tenant has also not paid the property taxes and the manufactured home has not been occupied since February 2009.

The landlord stated that he confirmed through city hall that the tenant named in this application is the person on title for the manufactured home. The landlord stated that he had contacted the tenant about paying the back rent however the tenant advised the landlord that he had no interest in paying any of the rent that was due.

The landlord in this application is seeking an order of possession and monetary order for unpaid rent. The landlord had additional questions regarding what happens to the manufactured home and the landlord was advised to seek legal counsel.

### Analysis

Based on the documentary evidence and testimony of the parties I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

The landlord understands that the manufactured home remains in the tenant's possession by title and additional steps must be taken to transfer the title or possession of the manufactured home to the landlord.

Accordingly I find that the landlord is entitled to a monetary order for \$8600.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$100.00 filing fee.

### Conclusion

I hereby grant the landlord an **Order of Possession** effective not later than **1:00 PM, May 31, 2012**. This Order must be served on the tenant(s) and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$8600.00 in unpaid pad rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$8700.00**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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 Act*.

Dated: May 1, 2012

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Residential Tenancy Branch