



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SAGE & SANDS TRAILER PARK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 48;
2. A Monetary Order for unpaid rent - Section 60;

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with the *Manufactured Home Park Tenancy Act* (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

Rent for the pad in the amount of \$197.00 is payable in advance on the first day of each month. The tenant failed to pay all rent in the month of June to October 2013 and on October 10, 2013 the landlord served the tenant by posting a notice to end tenancy for non-payment of rent owed to October 01, 2013 in the sum of \$835.00. The tenant failed to pay the outstanding arrears of rent within the prescribed 5 days. The tenant further failed to pay rent for November 2013, however on November 05, 2013 did pay \$500.00 toward the outstanding arrears. The tenant has not satisfied all the remaining arrears of rent since that date and did not pay the rent for December 2013. The quantum of the landlord's monetary claim is for the outstanding arrears to date of \$729.00.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding arrears of rent and has not applied 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 – October 20, 2013. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for **\$729.00** in unpaid rent.

Calculation for Monetary Order

Rental Arrears to October 01, 2013	\$835.00
Rent for November 01, 2013	197.00
Payment toward arrears	-500.00
Rent for December 2013	197.00
Total Monetary Award	\$729.00

Conclusion

I grant an Order of Possession to the landlord **effective December 31, 2013**. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I grant the landlord an Order under Section 60 of the Act for the amount of **\$729.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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 09, 2013

Residential Tenancy Branch

