



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DAKIM ENTERPRISES INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to section 48(4) of the *Manufactured Home Park Tenancy Act* (the "Act") in response to a Landlord's application for an Order of Possession and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that each Tenant was served with the Notice of Direct Request by registered mail on April 30, 2014. The Landlord provided the Canada Post tracking numbers as evidence for this method of service. Section 83(a) of the Act states that a document served by mail is deemed to have been received five days after it is mailed. Based on this, I find the Tenants were deemed served with the Notice of Direct Request Proceeding on May 5, 2014.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent?
Has the Landlord established a monetary claim against the Tenants for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a tenancy agreement signed by the Landlord and Tenants for a tenancy commencing in November, 2013. The agreement requires the Tenants to pay monthly rent of \$403.27 on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") issued on April 15, 2014 with an effective vacancy date of April 25, 2014, due to \$856.54 in unpaid rent which also comprises of late payment fees, due on April 1, 2014 (both pages of the two page approved form were provided);
- A copy of the Proof of Service of the Notice which declares that the Notice was served on April 15, 2014 by attaching it to the Tenants' door with a witness; and

- The Landlord's Application for Dispute Resolution made on April 29, 2014 claiming outstanding rent of \$806.54 comprising of unpaid rent for March and April, 2014.

Analysis

I have reviewed the documentary evidence and accept that the Landlord served the Tenants with a Notice that complied with the Act, by attaching it to the door with a witness on April 15, 2014. The Act states that documents served in this manner are deemed to have been received three days after being attached to the door. Therefore, I find that the Tenants were deemed to be served on April 18, 2014, and the effective date of vacancy is automatically changed to April 28, 2014 pursuant to section 46 of the Act.

I accept the evidence before me that the Tenants have failed to dispute the Notice or pay the rent owed within the 5 days provided under section 39(4) of the Act. Therefore, I find that the Tenants are conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice. I therefore find that the Landlord is entitled to an Order of Possession and a Monetary Order for unpaid rent.

Conclusion

For the reasons set out above, I find the Landlord is entitled to an Order of Possession effective **2 days after service on the Tenants**. This order must be served on the Tenants and may be filed and enforced in the Supreme Court as an order of that Court.

I further grant a Monetary Order in the amount of **\$806.54** in favor of the Landlord pursuant to section 60 of the Act. This order must be served on the Tenants and may be filed in the Provincial Court (Small Claims) 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 Tenancy Act*.

Dated: May 06, 2014

Residential Tenancy Branch

