



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GEN ENTERPRISES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      opr, mnr, ff

### Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession and a Monetary Order for unpaid rent.

The landlord was represented at the hearing. The tenant did not attend. The conference call line was open at the scheduled hearing time, and remained open and was monitored for over ten minutes, but the tenant failed to join the conference call hearing during this period. The landlord confirmed that the tenant was personally served with the landlord's application on May 10, 2016, and had been personally served with the 10 day Notice to End Tenancy on May 1, 2016. I accept that tenant was properly served with these materials.

### Issues to Be Decided

- Is the 10 day Notice to End Tenancy effective to end this tenancy and entitle the landlord to an Order of Possession?
- Is the landlord entitled to a Monetary Order for unpaid rent money?

### Background and Evidence

The tenant rents a manufactured home pad, with monthly rent of \$620.00 due on the first day of each month. The tenant has paid infrequently, and as of the date of the hearing is in arrears of \$4,570.00 (a sum that includes the rent for June).

No dispute of the 10 day Notice was ever filed, and no pad rental payment made since the Notice was served upon the tenant.

The landlord seeks a monetary order for the balance now owing, and an Order of Possession effective June 30, 2016.

### Analysis

In the absence of the required payment of the full rental arrears, or of a dispute of the notice within the 5 day period set out in the 10 day Notice, the tenant is conclusively presumed to have accepted the end of the tenancy agreement on the effective date of the Notice, by virtue of section 39(5)(a) of the Manufactured Home Park Tenancy Act. As the effective date of the Notice has passed, the landlord has established a right to

possession. As per the landlord's request, an Order of Possession is made effective June 30, 2016.

The current arrears owed is \$4,570.00. The landlord is awarded this sum, plus \$100.00 representing the recovery of the filing fee.

Conclusion

Pursuant to Section 48(2)(b) of the Manufactured Home Park Tenancy Act, I issue an Order of Possession effective June 30, 2016. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is issued a Monetary Order of \$4,670.00

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: June 08, 2016

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Residential Tenancy Branch