



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      FF, MNR, OPR

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on January 7, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an Order of Possession and a request for a monetary order in the amount of \$665.00 plus the \$50.00 filing fee for a total of \$715.00.

### Background and Evidence

The applicants testified that:

- The tenant has not paid rent for the months of December 2010 and January 2011.
- A Notice to End Tenancy was served on the tenants on December 18, 2010.
- To date the tenant has failed to vacate the rental site and has not paid the outstanding December 2010 or January 2011 rent.

The applicants are therefore requesting an Order of Possession for January 31, 2011, and an order for the outstanding rent and late fees, plus the \$50.00 filing fee.

Analysis

The landlords are claiming that the tenant owes \$680.00 in outstanding rent and late fees, however on December 20, 2010 the applicants were ordered to pay \$3640.00 to the respondent.

Section 65 of the Manufactured Home Park Tenancy Act states:

**65** (2) If the director orders a landlord to pay an amount to a tenant, including an amount under subsection (1), the amount may be deducted from any rent due to the landlord.

Therefore since the landlords have not paid the \$3640.00 to the respondent as ordered, the respondent has the right to deduct that from rent due to the landlord.

Therefore, since the landlords have been ordered to pay far more to the tenant, than the tenant owes in outstanding rent, the tenant does not owe any rent to the landlords at this time, and the landlord does not have a right to an Order of Possession.

Conclusion

This application is dismissed in full without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 24, 2011.

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Residential Tenancy Branch