



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPC, OPR, FF, CNC, CNR, MNDC, MNR, MT, RR, SS

Introduction

This was the hearing of applications by the landlord and by the tenant. The hearing was conducted by conference call. The landlord was represented by her husband and by counsel. The tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to one of the Notices to End Tenancy given to the tenant?

Is the landlord entitled to a monetary order for unpaid rent and if so, in what amount?

Is the tenant entitled to any of the other relief claimed in his application?

Background and Evidence

The rental property is a pad on the landlord's residential property. The tenant is the owner of the manufactured home (hereinafter referred to as "the trailer") located on the rental property. The tenant does not live in the trailer; it is rented to a third party.

The tenancy began in June, 2008. Monthly rent is \$250.00, payable on the first of each month. The landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated April 18, 2012. The notice was sent to the tenant's residential address by registered mail on April 18, 2012. The Notice claimed that the tenant failed to pay rent in the amount of \$566.00 that was due on April 1st. The tenant filed an application to dispute the Notice on May 10, 2012. He did not dispute that the rent was due, but he claimed to be entitled to withhold rent on account of emergency repairs. The tenant did not submit any documentary evidence to support his claims with respect to emergency repairs. His application for dispute resolution was not filed within five days of the date he was deemed to have received the 10 day Notice to End Tenancy.

Analysis and conclusion

The tenant has not provided sufficient evidence of any ground to set aside the 10 day Notice to End Tenancy; further, his application was filed out of time and there is no basis to grant an extension of time to dispute the notice, particularly because his application was filed after the effective date of the Notice to End Tenancy. I dismiss the tenant's application to cancel the Notice to End Tenancy for unpaid rent. In light of my decision with respect to the 10 day Notice to End Tenancy; I need not address the applications concerning the one month Notice to End Tenancy. The tenant has not provided evidence to support the other claims in his application and because of my finding that the tenancy will end pursuant to the Notice to End Tenancy the remainder of the tenant's claims, including claims for a rent reduction and a monetary order for the cost of emergency repairs are dismissed without leave to reapply.

At the hearing the landlord agreed that the tenant could have until July 21, 2012 to sell or move the trailer from the property; he requested that he be granted an order for possession effective July 21, 2012 and a monetary order for unpaid rent including unpaid rent for May. I grant the landlord an order for possession effective July 21, 2012 after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court. The amount of unpaid rent outstanding, including May rent is the sum of \$816.00. The landlord is entitled to recover the \$50.00 filing fee for her application for a total award of \$866.00 and I grant the landlord a monetary order under section 60 in the said amount. This order may be registered in the Small claims Court 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 29, 2012.

Residential Tenancy Branch