



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### 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 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the second named Tenant (“Tenant B”) was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. Tenant B did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matter

At the onset of the Hearing the Landlord stated that the unit has been vacant since December 2012 and that the Landlord unable to locate the first named Tenant (“Tenant A”) to serve this person with the application for dispute resolution and notice of hearing. The Landlord also withdrew the claim for an Order of Possession. Given that Tenant A was not served in accordance with the Act, I dismiss the application in relation to Tenant A.

### Issue(s) to be Decided

Is the Landlord entitled to the monetary amount claimed?

Is the Landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy began in June 2009. Rent in the amount of \$295.00 is payable in advance on the first day of each month. The Tenant failed to pay for rent from April to August 2012 inclusive and the Landlord claims \$1,640.00.

### Analysis

Section 20 of the Act provides that a tenant must pay rent when it is due under the tenancy agreement. Based on the undisputed evidence of the Landlord, I find that the Landlord has substantiated on a balance of probabilities that the Tenant failed to pay when it was due for a period of five months and that the Landlord is therefore entitled to the monetary amount of **\$1,640.00**. I find that the Landlord is also entitled to recovery of the \$50.00 filing fee for a total monetary amount of **\$1,690.00**.

### Conclusion

I grant the Landlord an order under Section 60 of the Act for **\$1,690.00**. If necessary, this order may be filed 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: August 02, 2012.

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Residential Tenancy Branch