



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter dealt with an application by the Landlord for an Order of Possession of the Tenants' manufactured home site.

The Landlord's agents said they served the Tenants with the Application and Notice of Hearing (the "hearing package") on July 25, 2012 by registered mail. According to the Canada Post online tracking system, the Tenants received this mail on July 27, 2012. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants' absence.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

The Landlord's agents said they believe there is a tenancy agreement and they undertook to provide a copy of it following the hearing. The Landlord's agents said the tenancy started sometime prior to 2007 when the Landlord purchased the manufactured home park. The Landlord's agents said rent is \$355.00 per month payable in advance on the 1st day of each month.

The Landlord's agents said on July 5, 2012, the Park manager for the Landlord served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 5, 2012 by posting it to the door of their manufactured home. The Landlord's agents said the Tenants made a partial payment of \$400.00 on August 2, 2012 for which they were given a receipt stating that the payment was accepted for "use and occupancy only." The Landlord's agents said the Tenants currently have rent arrears of \$920.00 which includes rent for August 2012. The Landlord's agents admitted that this amount also includes some late fees.

Analysis

RTB Rule of Procedure 3 states that an Applicant must file all evidence upon which it intends to rely at the time it files its application but in any event no later than 5 days prior to the hearing.

Although the Landlord's agents were given leave to provide the Residential Tenancy Branch with a copy of the Parties' tenancy agreement no later than noon on the date following the hearing, they did not do so. In the absence of this evidence, I find that there is insufficient evidence to support the Landlord's application and it is dismissed with leave to reapply.

Conclusion

The Landlord's application is dismissed with 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 *Manufactured Home Park Tenancy Act*.

Dated: August 22, 2012.

Residential Tenancy Branch