



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with the tenant's application for dispute resolution under the *Manufactured Home Park Tenancy Act* (the "Act") seeking a monetary order for money owed or compensation for damage or loss and for recovery of the filing fee.

The tenant and her daughter, acting as agent, appeared; the landlord did not appear.

The tenant's agent, hereinafter referred to as tenant, gave evidence that the landlord was served with the Application for Dispute Resolution and Notice of Hearing by registered mail on January 11, 2013. The tenant supplied evidence of the tracking number of the registered mail.

I find the landlord was served notice of this hearing in a manner complying with section 82 of the Act and the hearing proceeded in the landlord's absence.

The tenant was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the tenant entitled to a monetary order and to recover the filing fee?

Background and Evidence

The tenant gave undisputed evidence that this tenancy began 22 years ago and that current monthly pad rent is \$159.08.

The tenant gave evidence that the landlord issued to her a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park (the "Notice"), on August 1, 2012, for an effective end of tenancy date of July 31, 2013.

The tenant stated that as a result of having received the Notice, she placed her manufactured home for sale, the home was sold on October 5, 2012, she gave notice to the landlord on October 10, 2012, that she was vacating the manufactured home pad site on or before October 31, 2012, and that the manufactured home was removed by the purchaser in October 2012.

The tenant stated that she has requested compensation from the landlord in relation to having received the 12 Month Notice to End Tenancy and vacating the premises, but that he has ignored such requests.

The tenant's monetary claim is compensation equal to 12 months pad rent, in relation to the 12 Month Notice to End Tenancy that was issued on August 1, 2012, at \$159.08 per month, which equals \$1908.96, plus the \$50.00 filing fee.

The tenant's relevant evidence included a copy of the Notice, a calculation of the monetary claim, a copy of the notice to vacate issued to the landlord on October 10, 2012, with a request for the 12 months' compensation, another request to the landlord for compensation, dated November 27, 2012, a contract for the sale and purchase of the manufactured home and registered mail receipts and proof of delivery.

Analysis

Given the evidence before me, in the absence of any evidence from the landlord who did not appear despite being properly served with notice of this proceeding, I accept the version of events as presented by the tenant.

Section 44(1) of the *Manufactured Home Park Tenancy Act* stipulates that a landlord who gives a tenant notice to end a tenancy under section 42 (landlord's use of property, to convert all or part of the manufactured home park) must pay the tenant, on or before the effective date of the notice, an amount that is equivalent to 12 months rent payable under the tenancy agreement.

Based on the aforementioned, I hereby find that the landlord issued the tenant a 12 Month Notice to End Tenancy dated August 1, 2012, with an effective date of July 31, 2013, that she vacated the manufactured home pad site, pursuant to the Notice, in October 2012 after giving notice to the landlord, and that in accordance with Section

44(1) of the *Manufactured Home Park Tenancy Act*, the tenant is entitled to monetary compensation equal to 12 months rent that would have been payable under the tenancy.

I therefore grant the tenant a final, legally binding monetary order in the amount of \$1958.96, comprised of compensation equal to 12 months rent in the amount of \$1908.96 and the filing fee of \$50.00, which I have enclosed with the tenant's Decision.

Should the landlord fail to pay the tenant this amount without delay, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court.

Conclusion

The tenant's application for dispute resolution has been successful and she is being granted a monetary order for \$1958.96.

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* and is being mailed to both the applicant and the respondent.

Dated: February 04, 2013

Residential Tenancy Branch

