



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NORDON APARTMENTS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, CNR, MNR, MNDC, FF

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Manufactured Home Park Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notice to end tenancy and for a monetary order for compensation for loss under the *Act*. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

At the start of the hearing, the tenant informed me that she was unwell and therefore needed additional time to retain the services of a lawyer and to gather evidence to support her case. To enable the tenant to properly support her application and at her request, I dismiss her application with leave to reapply. Accordingly, this hearing dealt with the landlord's application for an order of possession, and for a monetary order for unpaid rent and the filing fee

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside? Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord testified that the tenancy started September 15, 2009. The monthly pad rent is \$588.00 payable on the first of each month. The landlord filed a copy of the tenancy agreement which contains a clause regarding the payment of a late fee of \$25.00 for rent paid after the first of each month.

The tenant failed to pay rent for January and February 2013 and on February 07, 2013; the landlord served the tenant with a ten day notice to end the tenancy. The tenant stated that she withheld rent because the landlord owed her money for a vehicle and for other matters unrelated to this dispute. The tenant agreed that she owed a total of \$1,564.00 in unpaid rent plus \$75.00 for late fees.

The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order in the amount of \$1,689.00 which is comprised of \$1,564.00 for unpaid rent, \$75.00 for late fees and \$50.00 for the filing fee.

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on February 07, 2013 and did not pay rent within five days of receiving the notice to end tenancy and the time to do so has expired. In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 48 I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Based on the sworn testimony of both parties, I find that the landlord has established a claim for unpaid rent and late fees. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00. Overall the landlord has established a total claim of \$1,689.00. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$1,689.00**. The tenant'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: March 15, 2013

Residential Tenancy Branch

