



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was sufficiently served on the Tenant by mailing, by registered mail to where the Tenant resides on or about October 22, 2012. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing by registered mail to where the tenant resides on April 29, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began in 2009. The present rent is \$270 per month payable on the first day of each month. The tenant(s) failed to pay the rent and the sum of \$12,320 remains outstanding. The manufactured home remains on the pad.

Analysis - Order of Possession:

The landlord stated that he was not interested in obtaining an Order for Possession. As a result I dismissed the claim for an Order for Possession.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the following: 2009 (\$2420 remains outstanding), 2010 (\$2860 remains outstanding), 2011 (\$3120 remains outstanding, 2012 (\$2840 remains outstanding) and 2013 month(s) (\$1080 remains outstanding until the end of April) and the sum of \$12,320 remains outstanding. **I granted the landlord a monetary order in the sum of \$12,320 plus the sum of \$100 in respect of the filing fee for a total of \$12,420.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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*, SBC 2002, c. 77.

Dated: May 28, 2013

Residential Tenancy Branch