



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, FF, MNR

Introduction

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$6658.00, and a request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began in 1992 however the tenant passed away approximately 5 years ago.

- There was some outstanding rent owing on the manufactured home site when the tenant passed away, and there has been a substantial amount of unpaid rent since she passed away.
- The tenant's daughter did establish a payment plan to try and pay off the outstanding rent, however it was never fully paid, and nothing has been paid since January of this year.
- Since so much rent was outstanding a Notice to End Tenancy was issued on April 22, 2013.
- At this time there is a total of \$6658 in rent outstanding,
- They are requesting an Order of Possession for soon as possible and a Monetary Order for the outstanding rent.

The respondent testified that:

- She does not believe that she should be named on this application for dispute resolution as she has never been a tenant of this mobile home site.
- She has made payments to the landlord to try and pay off the debt on this site; however those payments were only made on behalf of her mother's estate.
- She does not dispute that there is a large amount of rent outstanding however she believes any Orders should be issued against the estate and not against her.

Analysis

It's my finding that the landlord has shown that this time there is a total of \$6658.00 in rent outstanding, and therefore I will be issuing an Order for the outstanding rent and the \$100.00 filing fee.

It is also my finding that the landlord has served a valid Notice to End Tenancy and I therefore will also issue an Order of Possession.

The Orders however will be issued against the estate of the tenant only, and will not name the tenants daughter as I'm not convinced that the tenant's daughter has ever been a tenant at this rental property, nor is there any evidence to show that she is the executor of her mother's estate.

Conclusion

I have issued an Order of Possession for 1:00 PM on June 15, 2013.

I've issued a Monetary Order in the amount of \$6758.00.

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: May 29, 2013

Residential Tenancy Branch

