



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities Inc
and G & R Manufactured Homes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)* by registered mail on June 14, 2013 in accordance with Section 82. As per Section 83, the documents are deemed received by the tenants on the 5th day after it was mailed.

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant to the *Act*.

The landlord had named the estate of the previous tenant as a co-respondent on this Application however the landlord testified that he understood the estate had sold the manufactured home to another party (respondent). The new party had, in the past, purchased manufactured homes within the landlord's parks; renovated these homes; and then sold them.

As such the landlord did not object to a similar arrangement in this case and the purchaser was provided with an application for tenancy but did not return the application at any time. The landlord has provided correspondence between the landlord and the purchaser in which the parties discuss and agree to rental payment deferrals while the purchaser is renovating the homes. The first deferment agreement is dated August 2, 2012.

As a result, I find the landlord has entered into a new tenancy agreement, effective August 2012 with the purchaser of the manufactured home that is located at site 74 of this manufactured home park. Therefore, I find the landlord cannot name the previous tenant as a co-respondent in this claim.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 39, 48, 60, and 65 of the *Manufactured Home Park Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documentary evidence a copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on May 14, 2013 with an effective vacancy date of May 24, 2013 due to \$8,303.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenants failed to pay the full rent owed for the months of August 2012 to July 2013 inclusive and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail on May 14, 2013.

The Notice states the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days.

While the landlord has provided evidence that the parties had a rental payment deferment agreement, the landlord's agent testified that the tenants had failed to fulfill their obligations under that agreement and seek to have rent paid in full.

Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on May 19, 2013 and the effective date of the notice is amended to May 29, 2013, pursuant to Section 53 of the *Act*. I accept the evidence before me that the tenants failed to pay the rent owed in full within the 5 days granted under Section 46(4) of the *Act*.

Based on the foregoing, I find the tenants are conclusively presumed under Section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 60 and grant a monetary order in the amount of **\$10,006.00** comprised of \$9,906.00 rent owed and the \$100.00 fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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*.

Dated: July 15, 2013

Residential Tenancy Branch