



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Midnight Sun Estates
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, OPR, FF

Introduction:

This was an application by the landlords for an Order for Possession, a Monetary Order pursuant to a Notice to End the tenancy for non-payment of rent dated June 3, 2013. Only the landlords attended the application.

Issues:

Are the landlords entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlords testified that they acquired the mobile home park on June 1, 2013 but were advised by the previous owner that the tenancy began about four years ago. Although the landlords do not have a written tenancy agreement they testified that the current rent is \$ 255.00 due in advance on the first day of each month without any security deposit. The landlords testified that they served the Notice to End the tenancy on June 3, 2013 by posting it to the unit door on June 3, 2013 and by sending it by ordinary mail on June 4, 2013 to an address they obtained by searching the internet.

They testified that they also sent the dispute resolution package to the same address by registered mail on June 13, 2013 which the tenant signed for on July 16, 2013. The landlords testified that the package contained another copy of the same Notice to End the Tenancy. The landlords testified that the tenant has not resided in the unit for some time and had not paid any rent for June or July. The landlords claimed for unpaid rent for those months as well as late payment fees pursuant to the park rules at \$ 25.00 per month.

Analysis:

Pursuant to section 64(2)(c) of the Act, review of the Canada Post web site and the evidence of the landlords I find that the dispute package has sufficiently been served by July 16, 2013 by registered mail and that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on June 9, 2013 by mailing it to him by ordinary post on June 4, 2013.

The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the

above facts I find that the landlords are entitled to an order for possession effective two days after service on the tenant. I find that the landlords have established a claim for unpaid rent totalling \$ 510.00 for the month(s) of June and July 2013. I have dismissed their application for late payment fees as those fees are prescribed by the Regulations to be for the late payment as opposed to non-payment of rent. The landlords are entitled to recover the \$ 50.00 filing fee for this application for a total claim of \$ 560.00. However as they have only claimed a total amount of \$ 280.00 I allowed only that amount. Pursuant to section 64(1) that the landlords may serve this Decision and Orders to the address they sent the Dispute Resolution Package to.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlords an order under section 60 for the balance due of **\$ 280.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed all other claims but the landlords have leave to reapply for loss of revenue.

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 22, 2013

Residential Tenancy Branch