



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: MNR OPR FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 60;
2. An Order of Possession pursuant to Section 48; and
3. An order to recover the filing fee pursuant to Section 65.

SERVICE

The tenant agreed that they were served with the Notice to End Tenancy by it being posted on their door and with the Application for Dispute Resolution hearing package by registered mail. I find the documents were legally served for the purposes of this hearing.

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid rent and that they are entitled to an Order of Possession, a monetary order for rent arrears and to recover the filing fee for this application?

Background and Evidence:

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and make submissions. It is undisputed that the tenancy commenced in 2007, that the current rent of \$837.66 is pad rent and the tenant owes \$921 as of July 2013 and a further \$837.66 for August rent. It is undisputed that the landlord holds \$2421 as of November 2012 in trust for the tenant which was to be refunded on August 1, 2013 on condition that the tenant paid all his rent on time. The \$2421 is still held by the landlord. The landlord is requesting an order of possession and a monetary order for rental arrears in the amount of \$921 plus lost revenue of \$837.66 for August 2013.

After discussion the parties agreed to settle on the following terms and conditions:

Settlement Agreement:

1. The tenant will be granted to September 15, 2013 to vacate the site and an Order of Possession will be issued for that date.

2. The tenant agrees that 15 days rent may be added to the monetary order of the landlord for rent accruing to September 15, 2013.

In evidence is the Notice to End Tenancy, the rental ledger, the lease and the registered mail receipt. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

Order of Possession

I find that the landlord entitled to an Order of Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 40 to set aside the Notice to End a Tenancy and the time to do so has expired. In these situations, the 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 the settlement agreement, I find the Order of Possession will be issued effective September 15, 2013.

Monetary Order

I find that there are rental arrears and loss. and I therefore grant the landlord a monetary order in the sum of \$2177.49 representing rental arrears of \$921 and rental loss of \$837.66 (August) and \$418.83 (15 days of September 2013). I find the landlord is entitled to retain a portion of the security deposit to offset the amounts owing and the balance must be refunded to the tenant.

Conclusion:

I find the landlord is entitled to an Order of Possession effective September 15, 2013 as agreed and a monetary order as calculated below. I find that the landlord is entitled to recover filing fees for this application.

Calculation of Monetary Award

Rent arrears and loss	2177.49
Filing fee	50.00
Less security deposit (no interest 2012-13)	-2421.00
Total Refund owed to tenant	-193.51

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 27, 2013

Residential Tenancy Branch