



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KB PROPERTIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR MNR 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

I accept that the tenant was served with the Notice to End Tenancy dated August 22, 2013 by posting it on the door and with the Application for Dispute Resolution hearing package personally and also by registered mail.

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid rent so cause to end the tenancy 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:

The tenant did not attend the hearing or dispute the Notice to End Tenancy. The landlord was given opportunity to be heard, to present evidence and to make submissions. The Notice to End Tenancy was a ten day notice dated August 22, 2013 to be effective September 4, 2013 and was given for unpaid rent pursuant to section 39 of the Act.

The landlord stated the pad rent for August in the amount of \$450 was never paid. The landlord is not claiming rent for subsequent months (although it was not paid) as there were some hydro problems. The landlord is requesting an order of possession and a monetary order for rental arrears in the amount of \$450.00

In evidence is the Notice to End Tenancy and proof of service. 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 is entitled to an Order of Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 39 to set aside the Notice to End a Tenancy and the time to do so has expired. In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice.

Monetary Order

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$450 representing rental arrears for August 2013.

Conclusion:

The tenancy ended on September 4, 2013. I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order as calculated below.

Filing Fees

I find that the landlord is entitled to recover his filing fees paid for this application.

Calculation of Monetary Award

Rental arrears for August 2013	450.00
Filing fee	50.00
Monetary Order to Landlord	500.00

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

Dated: January 09, 2014

Residential Tenancy Branch

