



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was sufficiently served on the respondent by posting on February 6, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the respondent by mailing, by registered mail to residential unit on February 28, 2014.

### Background and Evidence

The tenancy began prior to 2000. The present rent is \$445 per month.

The landlord testified that she was dealing with a person by the name of RT with respect to this rental unit. RT ensured the rent was paid. However, a problem occurred and in late 2013 the landlord served a one month Notice to End Tenancy on RT for failure to comply with park rules regarding unauthorized occupants. She subsequently applied for and obtained an Order for Possession. RT did not file an Application for Dispute Resolution to dispute the landlord's notice. On January 21, 2014 the landlord was awarded an Order for Possession against JT. Despite several attempts to contact RT he has made himself unavailable.

The landlord subsequently discovered that the manufactured home was registered in the name of CJW. As a result the landlord served a 10 day notice by posting and filed

the within application. After filing the within application the landlord discovered that CJW passed away in 2003. JT, the person whom she previously obtained an Order for Possession against is her son.

I ordered that the Application for Dispute Resolution be amended to include the Estate of CJW.

The rent for February and March has not been paid and the sum of \$890 remains outstanding

#### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

#### Analysis

##### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The respondent or anyone dealing through her have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession. With the consent of the landlord I set the effective date of the Order for Possession for April 30, 2014. The landlord is to serve a copy of this decision and order on JT and this will give him an opportunity to remove the manufactured home.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of February and March and the sum of \$890 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I granted the landlord a monetary order in the sum of \$890 plus the sum of \$50 in respect of the filing fee for a total of \$940.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and 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: March 19, 2014

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Residential Tenancy Branch

