



# 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: 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 find the tenant was served with the Notice to End Tenancy by posting it on the door and with the Application for Dispute Resolution hearing package by registered mail. It was verified online as successfully received on August 11, 2014.

### **Issues to be Decided:**

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy should be ended 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 although served with the Application/Notice of Hearing. The Notice to End Tenancy was a ten day notice given for unpaid rent pursuant to section 39 of the Act. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord is requesting an order of possession and a monetary order for rental arrears and an NSF cheque in the amount of \$888.20. The landlord stated in the hearing that monthly rent for the site was \$863.20 and rent for June 2014 had never been paid. Furthermore, the tenant gave a cheque that was returned NSF for June 2014 and the landlord requests compensation of \$25 for this returned cheque as provided in the lease agreement in evidence.

The landlord noted they were puzzled that the tenant had paid rent for succeeding months but not for June 2014; when they received subsequent rent, they gave him a receipt 'for use and occupancy only' as they did not wish to reinstate the tenancy unless the outstanding rent was paid.

In evidence are copies of the NSF cheque, a Notice of Rent Increase, the Notice to End Tenancy, the tenancy agreement and the registration 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 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 an NSF fee for June 2014 and I therefore grant the landlord a monetary order as calculated below.

**Conclusion:**

The tenancy ended on June 20, 2014. I find the landlord is entitled to an Order of Possession and a monetary order as calculated below. I find that the landlord is entitled to recover his filing fees paid for this application.

**Calculation of Monetary Award**

|                                         |               |
|-----------------------------------------|---------------|
| Rent arrears June 2014                  | <b>863.20</b> |
| NSF fee                                 | <b>25.00</b>  |
| Filing fee                              | <b>50.00</b>  |
| <b>Total Monetary Order to Landlord</b> | <b>938.20</b> |

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: October 01, 2014

