



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on October 8, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant on October 17, 2014 as the Tenant has acknowledged service. With respect to each of the applicant's claims I find as follows:

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?

Background and Evidence

The tenant rented the neighboring manufactured home in 2003. The manufactured home pad which is the subject of these proceedings was rented by an elderly couple. The husband passed away and the wife was subsequently admitted into hospital. In 2007 the manufactured home burned and was removed from the home pad. In 2008 the landlord and tenant agreed the tenant could rent the manufactured home pad which is the subject of these proceedings for a monthly rent of \$410 per month payable in advance. The tenant stored his personal belongings on the pad including tools, cars etc. The rent was increased over time. He paid the rent from 2008 to 2013.

In 2013 the tenant fell into arrears. The present rent is \$546 per month payable in advance. The landlord testified the tenant owes the sum of \$2821.

The landlord has sold the rental unit to a third party with the third party taking possession on October 20, 2014.

Analysis

I do not accept the tenant's submission that he does not have to pay the arrears because the landlord is no longer the owner of the manufactured home park. I determined there was a tenancy agreement for the rental of the pad. The tenant paid the rent from 2008 to 2013 when he fell into arrears. The debt was incurred while the landlord was the owner. I do not accept the submission that he is not responsible to pay the arrears as the pad is not large enough to house a manufactured home. The tenant used the pad for storage purposes and had the option of ending this tenancy. I determined the tenant is liable to pay the arrears.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent and the sum of \$2821 remains outstanding to the end of October 2014. I granted the landlord a monetary order in the sum of \$2821 plus the sum of \$50 in respect of the filing fee for a total of \$2871.

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: November 27, 2014

Residential Tenancy Branch

