



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 Sections 39 and 60 for unpaid rent;
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 personally with the Notice to End Tenancy and with the Application for Dispute Resolution hearing package. The witness confirmed he saw the service.

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid pad 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 late payments in the amount of \$2090.00.

The landlord stated in the hearing that monthly rent for the site was \$675 and rent had only been partially paid since February 2014. In his ledger, he shows a balance of \$1415 owing for pad rental and late fees to the end of October plus \$675 for November 2014. He stated he had entered into a Purchase and Sale Agreement with the tenant but the tenant never bought the trailer or paid any purchase amount to the notary so the

trailer remains in the landlord's name. He said the tenant ripped up the Notice to End Tenancy when served and then he seemed to abandon the site. He requests an Order of Possession for the park site and a monetary order for rental arrears plus the filing fee.

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 pad 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 late fees totalling \$2090 to the end of November 2015 and I therefore grant the landlord a monetary order as calculated below.

Conclusion:

The tenancy ended on September 15, 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 and late fees to October 2014	1415.00
Rental loss November 2014	675.00
Filing fee	50.00
Total Monetary Order to Landlord	2140.00

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

Dated: November 13, 2014

Residential Tenancy Branch

