



Dispute Resolution Services

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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 three representatives of the applicant and in the absence of the respondents 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 10 day Notice to End Tenancy was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside on December 10, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the tenants reside on December 30, 2014. The landlord testified they have received an e-mail from the tenants stating they would not be attending this hearing and that their manufactured home is under foreclosure proceedings. 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 parties entered into a written tenancy agreement that provided that the tenancy would start on August 2, 2005. The present rent is \$879 per month payable in advance on the first day of each month.

The tenant(s) failed to pay the rent for the month of December 2014 and the sum of \$879 plus a \$25 late fee for a total of \$904 remains owing. The rent for January has not been paid.

The tenant(s) continue to have possession of the manufactured home pad.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) 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 on 2 days notice.

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 December 2014 and the sum of \$879 plus a \$25 late fee for a total of \$904 remains owing. **I granted the landlord a monetary order in the sum of \$904 plus the sum of \$50 in respect of the filing fee for a total of \$954.**

The landlord has not claimed the rent for January 2015 in this application and they stated they wished to retain the right to make further claims for unpaid rent.

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 Ac.*

Dated: January 21, 2015

Residential Tenancy Branch

