



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

The landlord gave sworn evidence that the tenant was served with the Notice to End Tenancy dated November 24, 2014 by posting it on the door and with the Application for Dispute Resolution hearing package by registered mail. The postal service was unable to provide information online on the tracking number so the landlord contacted them during the hearing and was informed that delivery was attempted, notices were left but when the item was unclaimed, they lost track of it. I find the Application is legally deemed to be served.

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 but is deemed to be 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 of \$847.70 for each of November and December 2014 plus the \$50 late fee as provided in the lease plus their filing fee. The landlord requested an amendment to the Application to add the rent owed for January 2015 but I declined to

amend the Application because the tenant apparently did not receive the Notice of Hearing and had no opportunity to dispute the amounts claimed.

In evidence are copies of a Notice of Rent Increase, the Notice to End Tenancy and the tenancy agreement. 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 of \$847.70 for each of November and December 2014 plus a late fee of \$25 in each month. I therefore grant the landlord a monetary order as calculated below and give them leave to reapply for further amounts that may be owed.

Conclusion:

The tenancy ended on December 5, 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 filing fees paid for this application.

Calculation of Monetary Award

Rent arrears November and December 2014	1695.40
Late fees two months	50.00
Filing fee	50.00
Total Monetary Order to Landlord	1795.40

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: January 14, 2015

Residential Tenancy Branch

