



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order for unpaid rent
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative 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 served on the Tenants by posting on October 11, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenants by mailing, by registered mail to where the tenants reside on October 28, 2015. The landlord also served a copy of the Application for Dispute Resolution/Notice of Hearing by posting. 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 landlord does not know when the tenancy started. However, the tenants were present when the landlord started 2 years ago. The landlord does not have a written tenancy agreement. The present rent is \$317 per month payable in advance on the first day of each month.

The tenant(s) failed to pay the rent for the months of August (\$142 is owed), September (\$317 is owed), October (\$317 is owed), November (\$317 is owed) and December (\$317 is owed) and the sum of \$1410 remains owing.

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 Manufactured Home Park Tenancy Act provides the tenants are 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. I set the effective date for December 31, 2015.

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 August (\$142 is owed), September (\$317 is owed), October (\$317 is owed), November (\$317 is owed) and December (\$317 is owed) and the sum of \$1410 remains owing. I dismissed the claim for a \$25 late fee as such a fee must be part of a written tenancy agreement. The landlord does not have a written tenancy agreement. I granted the landlord a monetary order in the sum of \$1410 plus the sum of \$50 in respect of the filing fee for a total of \$1460.

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.

Conclusion

In summary I granted an Order for Possession effective December 31, 2015. I ordered the tenants to pay the landlord the sum of \$1460.

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: December 11, 2015

Residential Tenancy Branch

