



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VISTA VILLAGE TRAILER PARK LTD.
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 an order of possession and for a monetary order for unpaid rent and the filing fee.

The landlord served the tenant with the notice of hearing on November 10, 2015 by registered mail. The landlord filed a tracking number. Despite having been served with the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The tenancy started on February 01, 2013. The current monthly rent is \$395.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement. A clause in the agreement requires the tenant to pay late fees and NSF fees.

The tenant's rent cheque for September 2015 was returned for insufficient funds. On October 13, 2015, the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The tenant did not dispute the notice. The tenant paid rent for October and November and the landlord issued receipts for use and occupancy only.

The tenant's rent cheque for December was also returned for insufficient funds and the tenant failed to pay rent for January 2016. The landlord testified that at the time of this hearing the tenant owed \$1,185.00 in unpaid rent.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for \$1,185.00 for unpaid rent and a total of \$100.00 for late fees and NSF fees for the months of September and December 2015. The landlord has also applied for the recovery of the filing fee of \$50.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on October 13, 2015 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 39 to set aside the notice to end a residential 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. Pursuant to section 48, I am issuing an order of possession effective two days after service on the tenant. The Order may be filed in Supreme Court for enforcement.

I further find that the landlord has established a claim for unpaid rent in the amount of \$1,185.00 and \$100.00 for late and NSF fees. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00. Overall the landlord has established a total claim of \$1,335.00. Accordingly, I grant the landlord an order under section 60 of the *Manufactured Home Park Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$1,335.00.

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: January 07, 2016

Residential Tenancy Branch

