



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 460445 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by an agent for the landlord.

The landlord testified both tenants were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)* by registered mail on November 19, 2015 in accordance with Section 82. Section 83 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the testimony of the landlord, I find that both tenants have been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the landlord submitted that the landlord no longer seeks an order of possession and that the landlord has allowed the tenancy to continue. The landlord seeks to amend their Application to exclude the matter of possession and seeks only to recover the filing fee.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 60, and 65 of the *Act*.

Background and Evidence

The landlord submitted into evidence a copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on November 5, 2015 with an effective vacancy date of November 16, 2015 due to \$365 in outstanding rent.

I note the landlord submitted their Application for Dispute Resolution on November 16, 2015 or the effective date of the Notice.

The landlord testified that the tenants paid the outstanding rent on November 25, 2015 and later paid the rent for December 2015 on December 21, 2015.

Analysis

Based on the landlord's undisputed evidence and testimony I find that by the tenants failing to either dispute the 10 Day Notice or pay the rent within the 5 days required after receiving it the landlord had no choice but to file an Application for Dispute Resolution seeking an order of possession and therefore incurring a cost of \$50.00 for the filing fee.

While I accept that the parties have since agreed to allow the tenancy to continue, I find the landlord has suffered the loss of \$50.00 directly from the actions of the tenants.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 60 and I grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 Act*.

Dated: January 13, 2016

Residential Tenancy Branch

