



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding El Camino Mobile Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR

Introduction

This is an application brought by the Landlord requesting a Monetary Order in the amount of \$3513.00, and recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have been submitted by the applicant prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The parties agree that this tenancy began on May 1, 2009 and ended in June 2014.

The applicant testified that the tenant fell behind on the rent and at the end of the tenancy there was rent outstanding as follows:

April 2013	\$195.00
May 2013	\$280.00
June 2013	\$280.00
July 2013	\$280.00
August 2013	\$280.00

September 2013	\$280.00
October 2013	\$280.00
November 2013	\$280.00
December 2013	\$280.00
January 2014	\$280.00
February 2014	\$290.00
March 2014	\$290.00
April 2014	\$290.00
May 2014	\$290.00
June 2014	\$290.00
Subtotal	\$4165.00
Minus payment made June 10, 2014	-\$450.00
Minus 2nd payment made June 10, 2014	-\$202.00
Total outstanding	\$3513.00

The tenant testified that the amounts claimed by the landlord are basically accurate, except that she has found that there were two payments made which the landlord has not recorded as follows:

January 28, 2014	\$500.00
July 4, 2014	\$209.00
Total	\$709.00

The tenant therefore believes that she only owes \$2804.00.

Analysis

The tenant has admitted that the landlords calculations are accurate other than she claims to have made two payments totaling \$709.00; however the tenant has provided no evidence in support of her claim of having made a payment on January 28, 2014 of \$500.00 and another payment on July 4, 2014 of \$209.00.

In the absence of any evidence to support the tenants claim of having made additional payments, I will allow the landlords full amount claimed; however the landlord testified that if the tenant is able to provide clear evidence that she has made payments which have not been recorded and deducted from the amounts owed, they will deduct those amounts off of any order that is issued.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

Pursuant to section 60 of the Manufactured Home Park Tenancy Act, I have issued a Monetary Order in the amount of \$3563.00.

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: April 19, 2016

Residential Tenancy Branch