



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0868732 BC LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated February 15, 2016 and for a monetary award for unpaid rent and late fees.

The tenant did not attend the hearing within ten minutes after its scheduled start time.

Ms. E. M. for the landlord showed that the tenant was served with the application and notice of hearing by registered mail, the tracking number for which is displayed on the cover page of this decision. Canada Post records show that the mail was delivered to the tenant and received on March 17, 2016 and signed for by a Mr. K.B. on the tenant's behalf.

On this evidence I find that the tenant has been duly served with the application in accordance with the *Manufactured Home Park Tenancy Act* (the "Act").

The landlord has filed a Proof of Service showing that a ten day Notice to End Tenancy was placed in the tenant's mailbox on February 15, 2016. In accordance with s. 83 of the *Act*, the tenant was deemed to have received that Notice three days later.

Ms. E.M. says the tenant has not paid any money since that Notice was served.

As a result, by operation of s. 39 of the *Act*, this tenancy ended on February 28, 2016 and the landlord is entitled to an order of possession.

On the testimony of Ms. E.M. I find that the landlord is owed the rent from February and occupation rent from March in the total amount of \$670.00.

The landlord has also claimed "late fees" for February and March rents. The tenancy agreement presented is silent on the amount of any late fee. The landlord has failed to show a contractual agreement to pay any late fee and so I dismiss this part of the claim.

In result the landlord will have a monetary order against the tenant for the \$670.00 rent and occupation rent, plus recover of the \$100.00 filing fee for this application; a total of \$770.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1 of the *Manufactured Home Park Tenancy Act*.

Dated: April 28, 2016

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Residential Tenancy Branch