



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jill Kenny and Philip Kenny
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, OPR, FF

Introduction:

This was an application by the landlords for an Order for Possession and a Monetary Order pursuant to a Notice to End the tenancy for non-payment of rent dated September 7, 2016. Only the landlord JK attended the application.

Issues:

Are the landlords entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord JK testified that they acquired the mobile home park in, 2013 but thought that that the tenancy began about six years ago. JK testified that the current rent is \$ 282.95 due in advance on the first day of each month without any security deposit. The landlords testified that they served the Notice to End the tenancy on September 12, 2016 by sending it by registered mail on that date to an address they obtained from the tenants. JL testified that they also sent the dispute resolution package to the same address by registered mail on September 30, 2016. On both occasions the packages were returned to the landlords as unclaimed. I find that service of the notice and the Dispute Resolution Package was deemed 5 days after the dates the landlords sent the items by registered mail. JL testified that the Notice was posted to the door of the unit on September 7, 2016 as the landlords believed the tenants visited the unit from time to time. Accordingly I find that the tenants were deemed to have been served with the notice 3 days after the posting of the notice to the door as well.

JL testified that the tenants have not resided in the unit for some time and had not paid any rent from June to date. The landlords claimed for unpaid rent from June through September amounting to \$ 1,131.80 well as late payment fees pursuant to the park rules at \$ 25.00 per month for those months.

Analysis:

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlords are entitled to an order for possession effective two days after service on the tenants. I find that the landlords have established a claim for unpaid rent totalling \$ 1,131.80 for the month(s) of June through September 2016. I have allowed their application for late payment fees amounting to \$ 100.00. The landlords are entitled to recover the \$ 100.00 filing fee for this application for a total claim of \$ 1,331.80. The landlords are cautioned to only include unpaid "rent" or "utilities" in the Notice to End the Tenancy and not late payment fees.

Conclusion:

I have granted the landlords an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlords an order under section 60 for the balance due of **\$ 1,331.80**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenants as soon as possible.

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: November 22, 2016

Residential Tenancy Branch