



# 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; MNDC; FF

### **Introduction**

This is the Landlord's Application for Dispute Resolution seeking an order of possession and a monetary award for unpaid rent, and to recover the cost of the filing fee from the Tenant.

The Landlord's agent signed into the Hearing, but the Tenant did not. The Hearing remained open for 15 minutes and continued in the Tenant's absence. The Landlord's agent gave affirmed testimony.

The Landlord's agent LW testified that the Notice of Hearing documents were sent by registered mail to the Tenant's post office box on October 26, 2016. An additional package of documents was sent by registered mail to the Tenant's post office box on October 28, 2016. Copies of the Canada Post printout, which were provided in evidence, indicate that the Tenant signed for both of the packages on November 2, 2016.

### **Issue(s) to be Decided**

Is the Landlord entitled to an Order of Possession and a monetary award?

### **Background and Evidence**

LW testified that the Landlord served the Tenant with the Notice to End Tenancy for Unpaid Rent issued October 3, 2016 (the "Notice"), by registered mail sent October 3, 2016. The Landlord provided a copy of the Canada Post printout which indicates that the Tenant received the Notice on October 6, 2016. The Tenant has not made an application to cancel the Notice.

This tenancy began on April 1, 2012. Rent at the beginning of the tenancy was \$335.00, due on the first day of each month. The tenancy agreement allows for late fees in the amount of “\$5.00 per day to a maximum of \$25.00 per month”. Current monthly rent is \$366.00.

The Landlord is seeking unpaid rent for the months of September and October, 2016, in the total amount of \$732.00. LW testified that the Tenant has not paid full rent for the months of January, 2016 to August, 2016, at a shortfall of \$8.00 per month (8 months x \$8.00 = \$64.00). The Landlord seeks late fees for January to and including October, 2016, for a total of \$250.00 (10 months x \$25.00).

LW stated that in addition to the outstanding rent claimed on the Landlord's Application, the Tenant has paid no rent for November or December, 2016. She asked that the Landlord's Application be amended to include loss of revenue for November and December, 2016.

### **Analysis**

Pursuant to the provisions of Section 39 of the Act, I find that the Tenant is conclusively presumed to have accepted that the tenancy ended on October 16, 2016, which is 10 days after he received the Notice. Therefore, I grant the Landlord's request for an Order of Possession.

I accept the Landlord's agent's undisputed affirmed testimony in its entirety. Pursuant to the provisions of Sections 57 and 60 of the Act, I amend the Landlord's application to include a request for loss of revenue for the months of November and December, 2016.

The Landlord's Application has merit and I find that the Landlord is entitled to recover the cost of the filing fee from the Tenant.

I find that the Landlord is entitled to a monetary award, calculated as follows:

Unpaid rent for September and October, 2016	\$732.00
Loss of revenue for November and December, 2016	\$732.00
Unpaid rent (\$8.00 for 8 months)	\$64.00
Late fees	\$250.00
Recovery of filing fee	<u>\$100.00</u>
TOTAL	\$1,878.00

Conclusion

The Landlord is hereby provided with an Order of Possession effective **2 days after service of the Order on the Tenant.**

The Landlord is also hereby provided with a Monetary Order in the amount of **\$1,878.00.**

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: December 13, 2016

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Residential Tenancy Branch