



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with the landlords' application pursuant to the *Manufactured Home Park Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent pursuant to section 60; and
- authorization to recover the filing fee for this application pursuant to section 65.

The tenant did not attend this hearing, which lasted approximately 15 minutes. The landlords attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord VT (the "landlord") testified that he served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), on November 4, 2016 by hand delivering a copy to the tenant. In accordance with section 81 of the *Act*, I find that the tenant was served with the landlord's 10 Day Notice on November 4, 2016.

The landlord testified that the landlords' application for dispute resolution dated November 17, 2016 was hand delivered to the tenant on November 18, 2016. In accordance with sections 82 of the *Act*, I find that the tenant was served with the landlords' application on November 18, 2016.

At the outset of the hearing, the landlord testified that the tenant no longer resides at the manufactured home site and therefore the portion of the application seeking an Order of Possession is withdrawn.

Issue(s) to be Decided

Are the landlords entitled to monetary compensation as claimed?

Are the landlords entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord provided testimony regarding the following facts. This month-to-month tenancy began on September 1, 2016. The rent is \$750.00 payable on the 1st of the month. The landlord gave evidence that the rental arrears, as of December 14, 2016, the date of the hearing, was \$750.00.

Analysis

The landlords provided undisputed evidence at this hearing, as the tenant did not attend. I accept the landlords' undisputed testimony that the total amount of arrears for this tenancy is \$750.00. I issue a Monetary Order for unpaid rent owing of \$750.00 as at December 14, 2016, the date of the hearing, pursuant to section 60 of the *Act*.

As the landlords' application was successful, the landlords are also entitled to recovery of the \$100.00 filing fee for the cost of this application, pursuant to section 65 of the *Act*.

Conclusion

I issue a monetary order in the landlords' favour in the amount of \$850.00 against the tenant. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

The landlords' application for an Order of Possession is withdrawn.

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 16, 2016

Residential Tenancy Branch