



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR MNR FF

Introduction:

Only the landlord (represented by the manager) attended the hearing and gave sworn testimony that the 10 Day Notice to End Tenancy dated November 8, 2016 to be effective November 21, 2016 was served by posting it on the door. She testified the Application for Dispute Resolution was served by registered mail but was unclaimed by the tenant. I find the documents were legally served (or deemed to be served) pursuant to sections 81 and 82 of the Act for the purposes of this hearing. The landlord applies pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for orders as follows:

1. A monetary order pursuant to Section 60;
2. An Order of Possession pursuant to Section 48; and
3. An order to recover the filing fee pursuant to Section 65.

Issues to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy should be ended and that they are entitled to an Order of Possession, a monetary order for rent arrears and to recover the filing fee for this application?

Background and Evidence:

The tenant did not attend the hearing or dispute the Notice to End Tenancy although served with the Notice to End Tenancy and the Application/Notice of Hearing. The Notice to End Tenancy was a ten day notice given for unpaid rent pursuant to section 39 of the Act. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord is requesting an order of possession and a monetary order for rental arrears and NSF fees. The landlord stated in the hearing that monthly rent for the site was \$844.80 and rent for November, December 2016 and January 2017 has not been paid. Furthermore, the tenant had two NSF cheques and the landlord requests compensation of \$50 for these fees as provided in the lease agreement.

The landlord noted they were puzzled as they have been unable to contact the tenant. Her voice mail is full and they do not know what has happened with her. They have no

next of kin information for her either. They request an Order of Possession effective as soon as possible and a monetary order for the unpaid rent plus NSF and filing fees.

In evidence are copies of the Notice to End Tenancy. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

Order of Possession

I find that the landlord is entitled to an Order of Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 39 to set aside the Notice to End a Tenancy and the time to do so has expired. In these situations, the *Manufactured Home Park Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice.

Monetary Order

I find that there are rental arrears and over-holding rent from November 2016 to January 2017 and NSF fees totalling \$50. I therefore grant the landlord a monetary order as calculated below.

Conclusion:

The tenancy ended on November 21, 2016. I find the landlord is entitled to an Order of Possession and a monetary order as calculated below. I find that the landlord is entitled to recover filing fees paid for this application.

Calculation of Monetary Award

Rent arrears November 2016	844.80
NSF fees	50.00
Over-holding rent Dec. 2016 & Jan. 2017 (2x844.80)	1689.60
Filing fee	100.00
Total Monetary Order to Landlord	2684.40

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 05, 2017

Residential Tenancy Branch

