



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding King George Mobile Home Park Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR; OPC; MNR; FF

Introduction

This is the Landlord's Application for Dispute Resolution seeking an Order of Possession; a monetary award for unpaid rent; and recovery of the filing fee from the Tenant.

This matter was scheduled to be heard by teleconference on May 26, 2017, at 11:00 a.m. The Landlord's agents signed into the Hearing, but the Tenant did not.

The Landlord's agent TM gave affirmed testimony at the Hearing. He testified that the Landlord's Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed, by registered mail, to the Tenant at the rental site on April 23, 2017. The Landlord provided a copy of the registered mail receipt and tracking numbers for the registered documents. I find that the Tenant is deemed to have received the Notice of Hearing on April 26, 2017. The Hearing continued in the Tenant's absence and concluded after 15 minutes.

Issue(s) to be Decided

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

Background and Evidence

TM gave the following testimony:

On April 6, 2017, the Landlord issued to notices to end this tenancy:

1. A 10 Day Notice to End Tenancy for Unpaid Rent; and
2. A One Month Notice to End Tenancy for Cause.

Both of the Notices were mailed, by registered mail, to the Tenant on April 6, 2017. The Landlord provided the tracking numbers.

The Landlord has a new park manager. The Tenant paid the \$50.00 owing for April's rent to the former park manager after the Notices were issued, but TN is not certain whether the Tenant paid within 5 days of receipt of the Notice to End Tenancy for Unpaid Rent. The Tenant was provided with a receipt "for use and occupancy only".

Rent is due on the first day of each month. The Tenant has been late paying rent, as follows:

Monthly rent	Due	Paid
\$580.00	November 1, 2016	\$580.00, November 23, 2016
\$580.00	December 1, 2016	\$580.00, December 9, 2016
\$600.00	April 1, 2017	\$550.00, April 8, 2017

The Landlord provided copies of receipts for the above payments.

The Tenant was also late paying May's rent, which was paid on May 6, 2017. The Tenant was issued a receipt "for use and occupancy only".

Analysis

I accept TM's undisputed affirmed testimony in its entirety.

The One Month Notice to End Tenancy gives the following reason for ending the tenancy:

Tenant is repeatedly late paying rent.

I find that the Landlord has provided sufficient evidence that the Tenant has been late paying rent on three occasions before the Notice was issued. I further find that the Tenant did not dispute the Notice. Therefore, I find that the Landlord is entitled to an Order of Possession based on the One Month Notice to End Tenancy for Cause issued April 6, 2017. I find that the Notice is effective May 31, 2017.

TN testified that there are currently no arrears owing to the Landlord and therefore the Landlord's application for a monetary award for unpaid rent is dismissed.

The Landlord's Application had merit and I find that it is entitled to recover the cost of the \$100.00 filing fee from the Tenant.

Conclusion

The Landlord is hereby provided with an Order of Possession effective **1:00 p.m., May 31, 2017**, for service upon the Tenant. This Order may be enforced in the Supreme Court of British Columbia.

The Landlord is also provided with a Monetary Order in the amount of **\$100.00**, representing recovery of the filing fee. This Order may be enforced in the Provincial Court of British Columbia (Small Claims Court).

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: May 26, 2017

Residential Tenancy Branch