



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$3300 for unpaid rent
- c. An order to retain the security deposit
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other party resides. I find that the 10 Notice to End Tenancy and a one month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the tenant resides on March 30, 2017 and it was sufficiently served even though the tenant failed to pick it up. Further I find that the Application for Dispute Resolution/Notice of Hearing was served by mailing, by registered mail on April 26, 2017 to where the tenant resides and it was sufficiently served even though the tenant failed to pick it up. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written month to month tenancy agreement that provided that the tenancy would start on May 1, 2014. The rent is \$560 per month payable on the first day of each month. No security deposit was paid as this involves the rental of a manufactured home pad.

In early May 2017 after mediation the parties entered into a settlement which involved the landlord purchasing the manufactured home owned by the tenant, an acknowledgement that the payment of the equivalent of 12 months rent is included in the sale price (the tenant had not yet been served with a 12 month notice but that was contemplated to happen in the near future) and an agreement to end the tenancy on June 30, 2017 and a consent to the issuance of an Order of Possession for that date.

Analysis - Order of Possession:

As a result of the settlement I granted an Order of Possession effective June 30, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

The landlord stated they were not seeking to recover outstanding rent. As a result I dismissed the claim for a monetary order without liberty to re-apply.

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