



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR OPR FF

### Introduction

This hearing dealt with an application by the landlords pursuant to the *Manufactured Home Park Tenancy Act* ("the Act") for orders as follows:

- an Order of Possession pursuant to section 48;
- a Monetary Order for unpaid rent and late fees pursuant to section 60; and
- to recover the filing fee from the tenant for the cost of this application pursuant to section 65.

The tenant did not appear. Landlord, M.T., appeared on behalf of the landlords (the "landlord"). The landlord was given a full opportunity to be heard, to present evidence and to make submissions. The landlord provided evidence that a 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") was sent to the tenant via Registered Mail on April 4, 2017. A Canada Post tracking number was provided to the hearing. In accordance with sections 81(c) and 83 of the *Act* the tenant is found to have been served with the 10 Day Notice on April 9, 2017.

The landlord gave sworn testimony that the Application for Dispute Resolution hearing package ("Application for Dispute Resolution") along with an evidentiary package was sent to the tenant by Registered Mail on May 4, 2017. A Canada Post tracking number was provided to the hearing. As per section 82 and 83 of the *Act*, I accept that the tenant was deemed served with the Application for Dispute Resolution hearing package on May 9, 2017, the fifth day after the registered mailing. The landlord stated that this package was returned to him by Canada Post on May 30, 2017.

### Issue(s) to be Decided

Are the landlords entitled to an order of possession of the manufactured home site?

Are the landlords entitled to a Monetary Order for unpaid rent?

Can the landlords recover the filing fee?

### Background and Evidence

Rent for this pad is \$336.07 per month. The landlord explained that rent was not paid for the months of October 2016, January, February, March and April 2017. In addition, the tenant was issued \$120.00 in unpaid park fines. On April 1, 2017 the tenant made a \$700.00 payment.

Item	Amount
Unpaid Rent for October 2016	\$336.07
Unpaid Rent for January 2017	336.07
Unpaid Rent for February 2017	336.07
Unpaid Rent for March 2017	336.07
Unpaid Rent for April 2017	336.07
Late Fees	120.00
Less Payment made April 1, 2017	(-700.00)
<b>Total =</b>	<b>\$1,100.35</b>

### Analysis

Based on the landlord's undisputed evidence, I am satisfied that the landlords had sufficient grounds to issue the 10 Day Notice to end this tenancy. The tenant has not made application pursuant to section 40 of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 40(5) of the *Act*, the tenant's failure to take this action within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by April 21, 2017. As that has not occurred, I find that the landlords are entitled to a 2 day Order of Possession.

Section 60 of the *Act* establishes that if damage or loss results from a tenancy, an Arbitrator may determine the amount of that damage or loss and order that party to pay compensation to the other party.

The landlord provided testimony to the hearing, demonstrating that rent was not paid in full for October 2016, as well as for January, February, March and April 2017.

Pursuant to section 60 of the *Act*, I find that the landlords are entitled to a Monetary Order of \$1,100.35 for unpaid rent.

As the landlords were successful in their application, they may recover the \$100.00 filing fee from the tenant pursuant to section 65 of the *Act*. This amount will be added to the Monetary Order awarded.

### Conclusion

I am granting the landlords an Order of Possession to be effective two days after notice is served to the tenant. The landlords will be given a formal Order of Possession which must be served on the tenant. Should the tenant or any other occupant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a Monetary Order in the landlords favour in the amount of \$1,200.35 against the tenant.

Item	Amount
Unpaid Rent for October 2016	\$336.07
Unpaid Rent for January 2017	336.07
Unpaid Rent for February 2017	336.07
Unpaid Rent for March 2017	336.07
Unpaid Rent for April 2017	336.07
Late Fees	120.00
Less Payment made April 1, 2017	(-700.00)
Return of Filing Fee	100.00
<b>Total =</b>	<b>\$1,200.35</b>

The landlords are provided with a Monetary Order in the above terms and 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.

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: June 8, 2017

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Residential Tenancy Branch