



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KAMVIEW DEVELOPMENTS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR MNR FF

Introduction:

Both parties and witnesses attended the hearing and gave sworn testimony. I find the tenant was served with the 10 Day Notice to End Tenancy dated June 5, 2017 to be effective June 18, 2017 by posting it on the door and with the Application for Dispute Resolution hearing package by registered mail. She acknowledged receipt. I find the documents were legally served pursuant to sections 81 and 82 of the *Manufactured Home Park Tenancy Act* (the Act). The landlord applies for orders as follows:

1. A monetary order pursuant to Sections 39 and 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 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:

Both parties attended the hearing and were 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 rental loss in the amount of \$1207.50. The parties agreed that monthly rent for the site is \$402.50 and rent for June 2017 was not paid until June 29, 2017, which is beyond the 5 days allowed for payment pursuant to section 39(4) of the Act. The parties agreed that no rent was paid for July, August and September.

The tenant said she was in a car accident and had lost her job. She had hoped to negotiate with the landlord to stay. The landlord said the tenant's rental history showed repeated late payment of rent so they wished to enforce the legal provisions. However,

the landlord agreed to an effective date of October 31, 2017 for the Order of Possession and said if the tenant paid her rent, he would consider extending enforcement for a few more weeks.

In evidence are many copies of 10 Day Notices to End Tenancy, proof of service and the rental ledger. 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. The Tenant has not made application pursuant to Section 39 to set aside the Notice to End Tenancy and did not pay the rent for June within the required 5 days. 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. I find the landlord entitled to an Order of Possession effective October 31, 2017 as requested.

Monetary Order

I find that there is over holding rent of \$1207.50 as rent has not been paid for July, August or September 2017 and the tenant is still in possession. I therefore grant the landlord a monetary order as calculated below.

Conclusion:

The tenancy ended on June 18, 2017. I find the landlord is entitled to an Order of Possession effective October 31, 2017 as requested 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

Over holding rent July, Aug., Sept. 2017	1207.50
Filing fee	100.00
Total Monetary Order to Landlord	1307.50

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: September 05, 2017

Residential Tenancy Branch