



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: DRI, CNR, OLC, PSF

Introduction

This hearing was convened by way of conference call in response to the Tenant's Application for Dispute Resolution (the "Application") made for the following reasons: to dispute an additional rent increase; to cancel a 10 Day Notice to End Tenancy for Unpaid Utilities (the "10 Day Notice") dated September 1, 2017; for the Landlord to comply with the *Manufactured Home Park Tenancy* (the "Act"), regulation or tenancy agreement; and for the Landlord to provide services or facilities required by law.

Preliminary Issues

The Landlord and the Tenant's legal advocate appeared for the hearing. The Landlord provided affirmed testimony. The Tenant's legal advocate informed me at the start of the hearing that the Tenant was running late and would be present roughly 15 minutes after the scheduled start time of this hearing.

I asked the legal advocate whether she was willing to start the hearing in the absence of the Tenant while we waited for his appearance. The legal advocate was agreeable to this. The hearing process was explained to the parties and no questions were raised.

At the start of the hearing, the legal advocate informed me that the Tenant was in the process of moving out of the rental site and it would have it vacated by the end of this month. As a result, I asked the parties whether there was any dispute with the Landlord being issued with an Order of Possession for the end of September 2017 to give effect to the Tenant's vacancy of the rental site. No objections were raised to this course of action.

Accordingly, I dismissed the Tenant's Application to cancel the 10 Day Notice and to provide services or facilities required by law as these are now moot issues.

The Landlord is issued with an Order of Possession effective for 1:00 p.m. on September 30, 2017 by agreement of the parties. The Tenant must be served with a copy of the order and this may then be enforced through the Supreme Court of British Columbia if the Tenant fails to vacate the rental site.

The Tenant's advocate asked to withdraw the remaining issues on the Application in the absence of the Tenant. The Landlord raised no objection to this but asked to deal with unpaid rent the Tenant was owing to her.

The Landlord was informed that she is at liberty to file an application for a monetary claim for unpaid rent, minus any illegal rent increases that may have been imposed in this tenancy.

Accordingly, I allowed the withdrawal of the remaining issues on the Tenant's Application, namely to deal with an illegal rent increase and loss of services alleged to be provided by the Landlord. The Tenant and Landlord are cautioned that the Act provides relief for a Tenant who has paid an illegal rent increase through deduction of rent.

The Tenant's legal advocate consented to concluding the hearing in the absence of the Tenant.

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

Dated: September 27, 2017

Residential Tenancy Branch