



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNDC, MNR, FF

### Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord as follows:

The Tenant applied under the Residential Tenancy Act for:

1. A Monetary Order for compensation - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord applied under the Manufactured Home Park Act (the "Act") for:

1. An Order for unpaid rent or utilities - Section 60; and
2. An Order to recover the filing fee for this application - Section 65.

The Tenants did not attend the hearing that lasted for 10 minutes past the scheduled time of 1:30 p.m. As the Tenants did not pursue its application at the hearing I dismiss its application.

I accept the Landlord's evidence that the Tenants' residential address was located through search efforts. I also accept the Landlord's submitted postal evidence that each Tenant was served at this address on June 30, 2017 with the application for dispute resolution and notice of hearing (the "Materials") by registered mail in accordance with Section 82 of the Act. Section 83 of the Act provides that a document served in accordance with Section 82 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenants are deemed to have received the Materials. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy of a mobile home site started under oral agreement on November 1, 2011. The Tenants moved out of the site on or about June 3, 2017. Pad rent of \$217.50 was payable on the first day of each month. The Tenants failed to pay the pad rent for the months June 2016 to May 2017 inclusive. The Landlord claims unpaid rent of \$2,610.00.

Analysis

Section 20(1) of the Manufactured Home Park Act provides that a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent. Based on the undisputed evidence of the Landlord that the Tenants were required to pay rent of \$217.50 monthly and that the Tenants did not pay the rent for the months June 2016 to May 2017 inclusive, I find that the Landlord has substantiated an entitlement of **\$2,610.00**. As the Landlord's application has been successful I find that the Landlord is entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$2,710.00**.

Conclusion

The Tenants' application is dismissed.

I grant the Landlord an order under Section 67 of the Act for **\$2,710.00**. If necessary, this order may be filed in the Small Claims 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 Act.

Dated: October 03, 2017

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Residential Tenancy Branch