



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KJ FORD HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR OPR FF

### Introduction

This hearing dealt with an application by the landlord 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, while landlord K.F. appeared at the hearing. K.F. was given a full opportunity to be heard, to present evidence and to make submissions. K.F. provided undisputed testimony that a 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") was sent to the tenant by way of Canada Post Registered Mail on September 7, 2017. A copy of the 10 Day Notice, along with the Canada Post Registered Mail receipt was provided to the hearing as part of the landlord's evidentiary package. Pursuant to section 81 & 83 of the *Act*, the tenant is found to have been served with these documents in accordance with the *Act*, on September 12, 2017, five days after their mailing.

K.F. gave undisputed testimony that the Application for Dispute Resolution hearing package ("Application for Dispute Resolution") was handed to the tenant on September 30, 2017. Pursuant to sections 82 & 83 of the *Act*, the tenant is found to have been duly served under the *Act*, with these documents.

Following opening remarks, the landlord asked if he could amend his application for a monetary award to reflect unpaid rent for October, November and December 2017 as the tenant remained on the property and had not paid a pad rental since the issuance of

the 10 Day Notice. Pursuant to section 57(3)(c) of the *Act*, I amend the landlord's application to reflect this change.

#### Issue(s) to be Decided

- Is the landlord entitled to an Order of Possession?
- Is the landlord entitled to a Monetary Order?
- Can the landlord recover the filing fee?

#### Background and Evidence

A.V. gave undisputed testimony that this tenancy began on January 1, 2011. Pad rental was \$250.00 per month at the start of the tenancy and rose to \$301.00. The landlord stated that he was seeking an Order of Possession and a monetary award as the tenant has failed to pay rent in full or on a consistent basis dating back to February 2015. The landlord explained that unpaid rent and late charges have accumulated to the point where the tenant owes \$9,275.00 in unpaid rent.

#### Analysis

Based on the landlord's undisputed evidence, I am satisfied that the landlord had sufficient grounds to issue the 10 Day Notice to end this tenancy. The tenant has not make an 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 or to pay the amount due on the 10 Day Notice within five days of the issuance of the Notice to End Tenancy 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 September 22, 2017. As that has not occurred, I find that the landlord is 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 consistently, in full from February 2015 onwards.

Pursuant to section 60 of the *Act*, I find that the landlord is entitled to a Monetary Order of \$9,275.00 for unpaid rent and for the cost of the late fees related to this unpaid rent.

As the landlord was successful in his application, he 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 landlord an Order of Possession to be effective two days after notice is served to the tenant. The landlord 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 landlord's favour in the amount of \$9,375.00 against the tenant. The landlord is 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: December 11, 2017

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Residential Tenancy Branch