



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes FFL, OPRM-DR

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$2964 for unpaid rent
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent(s) although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was personally served on the Tenant on November 23, 2017. I find that the Application for Direct Request was served on the Tenant(s) by registered mail on December 11, 2017. I find that the Notice of Reconvened Hearing and Interim Order were served on the Tenants by mailing, by registered mail to where the Tenants reside on December 15, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The landlord and NTJG entered into a written tenancy agreement that provided the tenancy would start in May 2013. NTJG subsequently sold the manufactured home to BC on a rent to own basis. BG was added as a party to the tenancy agreement commencing January 2016. The present rent is \$365 per month.

The Tenant(s) have failed to pay the rent and the sum of \$3662 is owed to January 31, 2018. The Tenant(s) have not made any payments since July 2017.

The tenant continues to reside in the manufactured home which is located on the pad rented to the Tenant(s) by the landlord.

Landlord's Application - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Manufactured Home Park Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession. I determined it was appropriate to set the effective date of the Order of Possession for January 31, 2018 as this matter involves the rental of a manufactured home pad..

The tenant(s) must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenants have failed to pay the rent and the sum of \$3662 remains outstanding to the end of January 2018. I ordered that the Tenants pay to the Landlord the sum of \$3662 plus \$100 for the cost of the filing fee for a total of \$3762..

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the parties.

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: January 10, 2018

Residential Tenancy Branch