



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Four Green Properties Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”). The landlord is seeking an Order of Possession, a Monetary Order, and reimbursement for the filing fee.

The landlord testified the tenant was served with the Notice of Hearing documents and the Application for Dispute Resolution pursuant to Section 82 of the *Act* by registered mail on February 27, 2018 for a hearing scheduled May 7, 2018. The landlord provided the Canada Post tracking numbers for the registered mail. Pursuant to Section 83, the tenants are deemed served on March 4, 2018, the 5th day after mailing.

Based on the submissions of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act* and is deemed to have received the Notice of Hearing package on March 4, 2018.

For administrative reasons, the hearing scheduled for May 7, 2018 did not take place and was rescheduled for May 25, 2018 at 1:30 PM. The Residential Tenancy Branch notified both parties of the rescheduled date.

The hearing was conducted via teleconference. The landlord’s representative RL (the *landlord*) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:45 PM to enable the tenant to participate in the hearing scheduled for 1:30 PM. I confirmed the correct call-in numbers and participant codes had been provided by the Residential Tenancy Branch in the notification of

rescheduling. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Issue(s) to be Decided

The issues to be decided:

- Is the landlord entitled to an Order of Possession pursuant to Section 55 of the *Act*?
- Is the landlord entitled to a Monetary Order pursuant to Section 60 of the *Act*?
- Is the landlord entitled to reimbursement of the filing fee pursuant to Section 65(1) of the *Act*?

Background and Evidence

The landlord provided undisputed evidence and testimony at this hearing as the tenant did not attend. The landlord testified a tenancy agreement was signed between the parties effective April 1, 2007 and the current monthly rent is \$286.00. The landlord provided uncontradicted evidence the tenant is still residing on the property and the landlord requests an Order of Possession.

The landlord submitted a copy of a 10-Day Notice dated February 19, 2018 served by registered mail on the tenant that day with an effective date of February 26, 2018 citing failure of the tenant to pay rent owing in the amount of \$111.00. The landlord provided testimony the tenant did not pay the amount owing within five days of service of the 10 Day Notice and arrears of \$265.00 are currently owing for which the landlord requests a Monetary Order.

Analysis

I have reviewed all documentary evidence and testimony. I am satisfied that the form and content of the landlord's 10-Day Notice complies with section 45 of the *Act*. I am satisfied the tenant has been served with the 10-Day Notice in accordance with section 81 of the *Act* and with the Notice of Hearing documents in accordance with section 82 of the *Act*.

I find the landlord is entitled to an Order of Possession pursuant to section 48 of the *Act* and to a Monetary Order pursuant to section 60 of the *Act*.

Based on the landlord's undisputed evidence and testimony, I find the landlord is entitled to a Monetary Order pursuant to Section 60 in the amount of \$265.00 as well as the \$100.00 filing fee paid by the landlord for this application for a total of \$365.00.

Conclusion

I grant the landlord a Monetary Order in the amount of **\$365.00** comprised of \$265.00 in unpaid rent plus the \$100.00 filing fee paid by the landlord for their Application. This order must be served on the tenant.

I grant the landlord an Order of Possession effective two days after service on the tenant. This Order must be served on the tenant. If the tenant fails to comply with this Order, the landlord may file the Order with the Supreme Court of British Columbia to be 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: May 25, 2018

Residential Tenancy Branch