



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HIGHVIEW ESTATES - 2050791 ALTA LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      **MNRL OPR FFL**

### Introduction

This hearing dealt with an application by the landlord under the *Manufactured Home Park Tenancy Act* (the *Act*) for the following:

- An order for possession pursuant to section 48(2)(b);
- A monetary order for unpaid rent pursuant to section 60; and
- Authorization to recover the filing fee for this application pursuant to section 65.

The hearing was conducted by teleconference. The landlord's agent BS appeared for the landlord ("the landlord"). The landlord provided affirmed testimony. The landlord was given the opportunity to make submissions as well as present oral and written evidence.

The tenant did not attend the hearing. I kept the teleconference line open from the time the hearing was scheduled for twelve minutes to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct call-in number and participant code for the tenant had been provided.

The landlord testified the tenant was served with the Application for Dispute Resolution and supporting documents pursuant to the *Act* by registered mail sent on February 28, 2019. The landlord provided the Canada Post tracking number for the registered mail referenced on the first page of this decision. Pursuant to sections 82 and 83, I find the tenant was served on March 5, the 5<sup>th</sup> day after mailing.

Issue(s) to be Decided

Is the landlord entitled to the following relief:

- An order for possession pursuant to section 48(2)(b);
- A monetary order for unpaid rent pursuant to section 60; and
- Authorization to recover the filing fee for this application pursuant to section 65.

Background and Evidence

The landlord testified that the parties entered into a signed tenancy agreement commencing January 1, 2018 for rent of \$370.00 a month payable on the first of the month. The agreement states that the tenant will pay the landlord \$25.00 for each late payment of rent. The landlord submitted a copy of the agreement signed by both parties.

The landlord issued a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities ("Ten-Day Notice") which the landlord testified was served by registered mail on February 4, 2019, thereby affecting service under section 83 on February 9, 2019, claiming unpaid rent of \$995.00.

A copy of the Ten-Day Notice with an effective vacancy date of February 15, 2019 (corrected to February 19, 2019) was submitted as evidence. The Notice requires the tenant to pay the rent and utilities to the landlord or file an Application for Dispute Resolution within five days.

The landlord testified the tenant did not pay the rent owing or file an Application for Dispute resolution within five days. The tenant continues in occupation.

The landlord submitted a copy of the tenant statement account and a monetary order worksheet in support of the landlord's claim for outstanding rent.

The landlord testified the landlord filed an Amendment to the application on March 21, 2019 to add additional rent incurred for the month of March 2019 and a late payment fee of \$25.00. The landlord testified the Amendment and documents were served by registered mail on March 21, 2019 thereby effecting service under section 83 five days later on March 26, 2019. The landlord provided the Canada Post tracking number for the registered mail referenced on the first page of this decision. Pursuant to sections 82 and 83, I find the tenant was served on March 26, the 5<sup>th</sup> day after mailing.

The landlord testified the tenant has made no payments on outstanding rent following the issuance of the Notice; an additional amount of \$370.00 plus a late payment fee of \$25.00 has accrued for the month of April 2019, for a total outstanding claim at the time of the hearing of \$1,785.00.

The landlord requested an order of possession effective on two days notice.

The landlord requested reimbursement of the amount of the filing fee of \$100.00.

### Analysis

I have reviewed all documentary evidence and testimony. I find the form and content of the Ten-Day Notice complies with section 45 of the *Act*.

I find the tenant was served with the Ten-Day Notice on February 9, 2019 in accordance with section 82 of the *Act*.

I find the tenant did not pay the overdue rent or dispute the Ten-Day Notice within the five-day period following service.

Therefore, pursuant to section 42(5)(a), the tenant is conclusively presumed to have accepted the tenancy ends on the effective date of the notice (being the corrected date of February 19, 2019) requiring the tenant to vacate by that date.

As the tenant continues in occupation, I find the landlord is entitled to an order of possession under section 48, effective two days after service.

Based on the uncontradicted evidence of the landlord, I find the landlord is entitled to a monetary award pursuant to section 60 in the amount of \$1,785.00 for unpaid rent. As the landlord was successful in this application, I award the landlord reimbursement of the \$100.00 filing fee for a total monetary order of \$1,885.00.

A summary of my monetary finding follows:

ITEM	AMOUNT
Award to landlord for outstanding rent	\$1,785.00
Reimbursement of filing fee	\$100.00

<b>Monetary Order</b>	<b>\$1,885.00</b>
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Conclusion

I grant a monetary order to the landlord in the amount of **\$1,885.00**.

This order must be served on the tenant. If the tenant fails to comply with this order, the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

I also 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: April 09, 2019

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Residential Tenancy Branch