



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

*A matter regarding HIGHVIEW ESTATES - 205071 ALTA LTD. & AATMAN  
CO. and [tenant name suppressed to protect privacy]*

## **DECISION**

Dispute Codes      FFL, MNRL, OPR

### Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the *MHPTA*) for:

- an Order of Possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The tenant did not attend this hearing, although I waited until 9:40 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord entered written documentation and oral evidence that she served the tenant the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) by way of registered mail on February 4, 2019. I am satisfied that the landlord served this Notice to the tenant in accordance with section 81 of the *MHPTA*. In accordance with section 83 of the *MHPTA*, the 10 Day Notice was deemed served on the tenant on February 9, 2019, five days later.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on February 28, 2019 and delivered on March 1, 2019. Based on the above, I am satisfied that the tenant was served in accordance with section 82 of the *MHPTA* and the hearing proceeded and completed on that basis.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary award for unpaid rent?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The landlord gave the following undisputed testimony. The tenancy began on or about March 1, 2018. Rent in the amount of \$370.00 is payable in advance on the first day of each month. The landlord testified that the tenant began to fall behind in paying the rent at the outset of the tenancy. The landlord testified that the tenant would make some partial payments but never fully caught up. The landlord testified that on February 4, 2019 she served the tenant a notice to end tenancy for unpaid rent. The landlord testified that the tenant further failed to pay for March and April. The landlord testified that as of today's hearing the amount of unpaid rent is \$2715.00 including the late fees.

Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 39(4) of the *MHPTA* within five days of being deemed to have received the 10 Day Notice. In accordance with section 39(5) of the *MHPTA*, the tenants' failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice.

In this case, this required the tenants to vacate the premises by February 19, 2019. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 48 of the *MHPTA*, which must be served on the tenant(s). If the tenant does not vacate within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenant continues to owe the landlord unpaid rent. I find that the landlord is also entitled to the recovery of the \$100.00 filing fee for this application. I issue a monetary award in the landlord's favour in the amount of \$2815.00

Conclusion

The landlord is granted an order of possession and a monetary order for \$2815.00.

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 11, 2019

---

Residential Tenancy Branch