



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, FFL

Introduction

This hearing was convened as a result of the Landlords' Application for Dispute Resolution, made on July 28, 2019 (the "Application"). The Landlords applied for the following relief, pursuant to the *Mobile Home Park Tenancy Act* (the "Act"):

- a monetary order for unpaid rent; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 1:30pm on November 18, 2019 as a teleconference hearing. The Landlords and the Landlord's Agent appeared and provided affirmed testimony. No one appeared for the Tenant. The conference call line remained open and was monitored for 14 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlords, the Landlord's Agent, and I were the only persons who had called into this teleconference.

The Landlords testified the Application and documentary evidence package was served to the Tenant in person on August 7, 2019. Based on the oral submissions of the Landlords, and in accordance with sections 82 and 83 of the *Act*, I find that the Tenant is deemed to have been served with the Application and documentary evidence on August 7, 2019. The Tenant did not submit documentary evidence in response to the Application.

The Landlords were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

1. Are the Landlords entitled to a monetary order for unpaid rent, pursuant to Section 60 of the *Act*?
2. Is the Landlord entitled to an order granting the recovery of the filing fee, pursuant to Section 65 of the *Act*?

Background and Evidence

The Landlords testified that the tenancy began on February 1, 2019. Rent in the amount of \$315.00 is due to the Landlords on the first day of each month. The Tenant was not required to pay a security deposit. The tenancy is ongoing. The Landlords submitted a tenancy agreement in support.

The Landlords testified that the Tenant failed to pay rent when due in May, June, July, August, September, October, and November 2019. The Landlords stated that the Tenant paid \$900.00 to the Landlord on November 3, 2019. Currently, the Tenant has an outstanding balance of unpaid rent in the amount of \$1,305.00. The Landlords stated that they are not wanting to end the tenancy, however, are seeking a monetary order in the amount of \$1,305.00 which represents the current balance owing to the Landlord in unpaid rent.

As noted above, the Tenant did not attend the hearing to dispute the Landlords' evidence.

Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

Section 20(1) of the *Act* confirms:

A tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

The Landlords stated that the Tenant is required to pay rent in the amount of \$315.00 on the first day of each month. The Landlords stated that the Tenant has failed to pay rent when due in May, June, July, August, September, October, and November 2019. The Landlords stated that the Tenant provided the Landlords with \$900.00 on November 3, 2019. The Landlords stated that the Tenant has an outstanding balance of unpaid rent in the amount of \$1,305.00.

I find that the Tenant has breached Section 20 of the *Act* by failing to pay rent when due to the Landlords. I find the Landlords have established an entitlement to a monetary award for unpaid rent in the amount of \$1,305.00. Having been

successful, I also find the Landlords are entitled to recover the \$100.00 filing fee paid to make the Application.

Pursuant to section 60 of the *Act*, I find the Landlords are entitled to a monetary order in the amount of \$1,405.00.

Conclusion

The Tenant had breached the Act by not paying rent when due to the Landlords. The Landlords are granted a monetary order in the amount of \$1,405.00. The monetary order should be served to the Tenant as soon as possible and may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: November 18, 2019

Residential Tenancy Branch