



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Park Drive Estates  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      FFL MNRL

### **Introduction**

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

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- a monetary order for unpaid rent and utilities pursuant to section 60; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The landlord's agent, RP ('landlord'), testified on behalf of the landlord in this hearing and was given full authority to do so by the landlord. The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:41 p.m. in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 p.m. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. 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 landlord and I were the only ones who had called into this teleconference.

The landlord testified that the tenant was served by way of Registered Mail to two different forwarding addresses for the tenant on November 28, 2019. The landlord provided confirmation of delivery as well as the tracking information for one of the packages, which was signed for and delivered on December 13, 2019. In accordance with sections 81 and 82 of the *Act*, I find that the tenant deemed served with the application and evidence package 5 days after mailing.

Although the landlord applied for a monetary Order of \$1,213.36 in their initial claim, since they applied another \$1,484.48 in rent has become owing that was not included in their application. I have accepted the landlord's request to amend their original application from \$1,213.36 to \$2,697.84 to reflect this additional unpaid rent that became owing by the time this hearing was convened.

### **Issues to be Decided**

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

Is the landlord entitled to recover the filing fee?

### **Background and Evidence**

The landlord testified in this hearing that both parties entered into a manufactured home park tenancy agreement on September 1, 2018, with monthly pad rental set at \$371.12, payable on the first of every month.

The landlord testified that the tenant had arrived from another province, only to discover that the manufactured home had water damage, and was not inhabitable. The landlord testified that the tenant has failed to pay any pad rental for the months of September 2019 through to March 2020. The landlord is seeking a monetary order for the unpaid pad rental, plus recovery of the filing fee.

### **Analysis**

**Section 20** of the Act, in part, states as follows:

#### **Rules about payment and non-payment of rent**

**20** (1) 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.

Based on the undisputed testimony of the landlord I find that the tenant has failed to pay the pad rental for the months of September 2019 through to March 2020. Accordingly, I allow the landlord's monetary claim for \$2,597.84 for the unpaid pad rental.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee.

### **Conclusion**

I issue a \$2,697.84 Monetary Order in favour of the landlord, which allows the landlord to recover unpaid rent plus the filing fee for this application.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and 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: March 27, 2020

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Residential Tenancy Branch