



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding W.V Income Properties Ltd. and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, MNRL, FFL

Introduction

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

- an Order of Possession for unpaid rent pursuant to section 48; and
- a Monetary Order for unpaid rent pursuant to section 60.
- authorization to recover the filing fee for this application pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The corporate landlord was represented by its agent (the "landlord").

As both parties were present service was confirmed. The tenant testified that they were served with the landlord's materials and had not served anything of their own. Based on the testimony I find the tenant duly served with the landlord's materials in accordance with sections 81 and 82 of the *Act*.

Issue(s) to be Decided

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

Is the landlord entitled to monetary compensation for unpaid rent?

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

Background and Evidence

The parties agreed on the following facts. This tenancy began in January, 2017 with monthly rent in the amount of \$650.00 payable on the first of each month. The monthly rent was raised in accordance with the Act over the course of the tenancy. There was a rental arrear of \$13,559.06 as at March 18, 2020, prior to the state of emergency.

The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent dated July 3, 2020, when the prohibition on notices to end tenancy was rescinded with Ministerial order M195. The amount of the unpaid rent strictly arises from the months prior to April 2020 and does not include any amount of unpaid rent related to Affected Rent as defined in the Ministerial Order.

The tenant confirms that they were served with the 10 Day Notice and have not filed an application to dispute it. The parties agree that as of the date of the hearing there is a rental arrear of \$13,559.06 for unpaid rent not related to Affected Rent.

Analysis

In accordance with subsection 39(5) of the *Act*, a tenant must either pay the overdue rent or file an application for dispute resolution within five days of receiving the 10 Day Notice. In this case, the tenant confirmed receipt of the 10 Day Notice and testified that they have not disputed it, nor have they paid full rent due within 5 days of service. Accordingly, I find that the tenant is conclusively presumed under section 39 (5) of the *Act* to have accepted that the tenancy ended on the effective date of the 10 Day Notice, July 14, 2020 and issue an Order of Possession, pursuant to section 48 of the *Act*.

I accept the undisputed evidence of the parties that the total amount of arrears arising from rent other than Affected Rent is \$13,559.06. I issue a monetary award for unpaid rent owing in that amount, pursuant to section 60 of the *Act*.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises fail to comply with this

Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$13,659.06. 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: September 18, 2020

Residential Tenancy Branch