



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

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated July 3, 2020 and for a monetary award of \$16,285.75 in unpaid rent to March 1, 2020 plus recovery of the \$100.00 filing fee.

The listed parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

The tenant DK did not attend the hearing. DM for the landlord indicated he had been served by registered mail however the Canada Post tracking number for that mail shows it was not delivered and that "the recipient not located at address provided." I find that the tenant DK has not been served with the Notice of Dispute Resolution Proceeding.

Issue(s) to be Decided

Has the Notice been served and has it resulted in the ending of this tenancy? What is owed as outstanding rent?

Background and Evidence

The manufactured home site is located in a conventional manufactured home park containing over 100 sites.

The tenancy started in May 2017. The monthly rent is currently \$769.95.

The tenant CO has not lived in the home located on this manufactured home site since about September 2019. She is currently taking steps in an effort to sell the manufactured home. She says DK is living in Alberta.

The landlord has submitted a ledger record to show that the outstanding rent as of March 1, 2020 was \$16,285.75. The tenant CO indicates she has no basis to dispute this amount and that to ascertain what she might consider to be the outstanding rent would only be a guess.

The landlord's employee HT testified that on July 3, 2020 he attended at the site to serve the ten day Notice to End Tenancy. His knocks went unanswered for five minutes and he attached the Notice to the door.

Analysis

I find that the Notice was served on the tenants. Neither of them has applied to cancel the Notice or paid the amount demanded in it. As a result, by operation of s. 39(5) of the *Manufactured Home Park Tenancy Act*, this tenancy ended on July 14, 2020 and the landlord is entitled to an order of possession.

I find that as of March 1, 2020, the tenants owed rent totalling \$16,285.75, as alleged. The landlord is entitled to a monetary award in that amount, plus recovery of the \$100.00 filing fee. As only CO has been served with this application, the landlord will have a monetary order against her in the total amount of \$16,385.75.

Conclusion

The landlord's application is allowed.

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 22, 2020

Residential Tenancy Branch