



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LADHA ENTERPRISES LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNRL, FFL

This matter was scheduled for a conference call at 9:30 a.m. Both parties participated in the teleconference. At the outset of the hearing the landlord advised that they were seeking unpaid rent for several months during the Provincial State of Emergency due to the COVID – 19 pandemic and an order of possession. The landlord advised that they were unsure as to what the current situation of unpaid rent means for landlords and tenants as the tenancy is ongoing.

I spent the majority of the hearing explaining the new COVID – 19 regulations to the landlord to assist them, specifically as follows;

PART 3 – MANUFACTURED HOME PARK TENANCY ACT
Division 1 – Landlord's Notice: Non-Payment of Rent
Non-payment of affected rent

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(1) As an exception to sections 37 (1) (a) (ii) and 39 [landlord's notice: non-payment of rent] of the Manufactured Home Park Tenancy Act and any other provision of the Manufactured Home Park Tenancy Act and the Manufactured Home Park Tenancy Regulation, a landlord must not give a tenant notice to end a tenancy under section 39 (1) of the Manufactured Home Park Tenancy Act in respect of affected rent that is unpaid and instead this Division applies.

(2) The landlord must give the tenant a repayment plan if (a) the tenant has overdue affected rent, and (b) subject to subsection (3), the landlord and tenant did not enter into a prior agreement.

(3) If the landlord and tenant entered into a prior agreement and the prior agreement does not address the full amount of overdue affected rent, the landlord must give the tenant a repayment plan in respect of the amount of overdue affected rent that is not addressed in the prior agreement.

(4) The landlord may cancel a prior agreement by giving the tenant a repayment plan for the full amount of the overdue affected rent. (5) The tenant may cancel a prior

agreement by giving the landlord a repayment plan for the full amount of the overdue affected rent whether or not the landlord has given the tenant a repayment plan under subsection (3).

The landlord did not have a repayment plan agreement in place, nor has she issued one at the time of this hearing as required. I find that the landlord was premature in this application as they've not issued a repayment plan to the tenant. As a result, I must cancel the 10-day Notice to End Tenancy for Unpaid Rent or utilities dated September 2, 2020. The landlord may issue a new notice if the tenant does not comply with the repayment plan.

The landlord is granted leave to reapply for a monetary order if the tenant does not comply with the repayment plan.

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 10, 2020

Residential Tenancy Branch