



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VILLERS MOBILE HOME PARK and 1162672 BC
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR-DR-PP, OPRM-DR, FFL

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding pursuant to section 48(4) of the *Manufactured Home Park Tenancy Act* (the “Act”) and dealt with an Application for Dispute Resolution filed by the Landlords for an order of possession and a monetary order based on unpaid rent, and an order granting recovery of the filing fee.

The Landlords submitted signed Proof of Service - Notice of Direct Request Proceeding documents which declare that the Landlords served each of the Tenants with the Notice of Direct Request Proceeding and supporting documents by registered mail on December 29, 2020. The Landlords provided copies of the Canada Post receipts containing the Tracking Numbers to confirm this mailing. Based on the written submissions of the Landlords and in accordance with sections 82 and 83 of the *Act*, I find the Tenants are deemed to have received these documents on January 3, 2021, five days after they were mailed.

Issues to be Decided

1. Are the Landlords entitled to an order of possession for unpaid rent pursuant to sections 39 and 48 of the *Act*?
2. Are the Landlords entitled to monetary compensation for unpaid rent pursuant to section 60 of the *Act*?
3. Are the Landlords entitled to recover the filing fee for this application pursuant to section 65 of the *Act*?

Background and Evidence

I have reviewed all written submissions and evidence before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

The Landlords submitted the following relevant evidentiary material:

- A copy of a tenancy agreement which was signed by the Tenants on August 29, 2019 and by the Landlords on September 1, 2019, indicating a monthly rent of \$270.00, due on the first day of each month, for a month-to-month tenancy commencing on September 1, 2019;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated December 4, 2020 for \$3,240.00 in unpaid rent (the “10 Day Notice”). The 10 Day Notice provides that the Tenants had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end on the stated effective vacancy date of December 16, 2020;
- Photographic images of envelopes addressed to each Tenant, affixed to which were Canada Post registered mail labels bearing the Tracking Number for each, and a receipt dated December 4, 2020, in support of service of the 10 Day Notice;
- A copy of a Direct Request Worksheet and attachment showing unpaid rent for the period from January 1, 2020 to December 31, 2020, which totals \$3,240.00;
- A copy of a Repayment Plan dated August 20, 2020;
- Copies of Canada Post registered mail receipts in support of service of the Repayment Plan on the Tenants by registered mail on August 20, 2020.

Analysis

I have reviewed all documentary evidence and I find that the Tenants were obligated to pay the monthly rent in the amount of \$270.00, as per the tenancy agreement.

In accordance with sections 81 and 83 of the *Act*, I find that the Tenants are deemed to have received the 10 Day Notice on December 9, 2020, five days after it was sent to them by registered mail.

I accept the evidence before me that the Tenants failed to pay the rent owed in full within the five days granted under section 39(4) of the *Act* and did not dispute the 10 Day Notice within that five-day period.

Based on the foregoing, I find that the Tenants are conclusively presumed under sections 39(5) and 46(2) of the *Act* to have accepted that the tenancy ended on December 19, 2020, the corrected effective date of the 10 Day Notice.

Therefore, I find the Landlords are entitled to an order of possession and a monetary award in the amount of \$3,240.00 for unpaid rent.

As the Landlords are successful, I find the Landlords are also entitled to a monetary award in the amount of \$100.00 in recovery of the filing fee paid to make the application.

Conclusion

The Landlords are granted an order of possession which will be effective two days after it is served on the Tenants. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlords are granted a monetary order in the amount of \$3,340.00 for unpaid rent to December 31, 2020 and for the recovery of the filing fee for this application. The monetary order must be served on the Tenants. The monetary order 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: January 21, 2021

Residential Tenancy Branch