



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding 0868732 B.C. LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNRL, FFL

### Introduction

This hearing dealt with the Landlord's January 23, 2023 application pursuant to the *Manufactured Home Park Tenancy* (the Act) for:

- An order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent (the Notice), pursuant to sections 39 and 48
- A monetary order for unpaid rent, pursuant to section 60
- An authorization to recover the filing fee for this application, pursuant to section 65.

### Issue(s) to be Decided

1. Is the Landlord entitled to an order of possession?
2. Is the Landlord entitled to a monetary order of unpaid rent?
3. Is the Landlord entitled to recover the filing fee?

### Facts and Analysis

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to relevant facts and information in this decision.

The parties confirmed the following details with respect to the tenancy:

- The tenancy began November 1, 2017
- Rent is \$379.00 a month and is due on the 1st of the month

**Is the Landlord entitled to an order of possession?**

The parties agree the Notice was served by positing it on the door of the manufactured home on January 11, 2023. The Tenant testified they likely received the Notice on January 11, 2023.

Both parties agreed that \$760.00 was due on January 1, 2023 and was not paid by the Tenant. Therefore, I find on a balance of probabilities that the Notice was given for the valid reason of non-payment of rent. I also find that the Notice complies with the form and content requirements of section 45 of the *Act*.

The Landlord's Agent testified the Tenant made a partial payment on January 31, 2023 and paid the remaining balance in May 2023. The Tenant testified that the testimony provided by the Landlord's Agent was accurate. The Tenant did not pay the outstanding rent in full within 5 days of the Tenant receiving the Notice. Additionally, there is no record of the Tenant disputing the Notice. Therefore, under section 39(5) of the *Act*, the Tenant is presumed to have accepted the Notice.

Based on the above findings, the Landlord is granted an Order of Possession pursuant to section 48(2)(b) of the *Act*. A copy of the Order of possession is attached to this Decision and must be served on the Tenant. The Tenant has 2 days to vacate the rental unit from the date of service or deemed service. I find the tenancy ended as of the date of this hearing.

**Is the Landlord entitled to a monetary order of unpaid rent?**

Both parties agreed that the Tenant has paid off all unpaid rent owing to the Landlord, except the rent for June 2023 has not been confirmed received. The Tenant has initiated pre-authorized debit (PAD) for the rent owed for June 2023. The Landlord's account manager TL testified that they have not received June 2023 rent, but that it could take 2 business days to confirm. The Tenant testifies that they received confirmation the money has come out. I will not address the rent for June 2023 as it is unclear if this is owed, the Landlord can make a separate application if the PAD does not go through. Given that there is no unpaid rent owed to the Landlord, I dismiss, without leave to reapply, the Landlord's application for a monetary order for unpaid rent.

**Is the Landlord entitled to recover the filing fee?**

Because the Landlord was successful, I order the Tenant to pay the Landlord \$100.00 in respect of the filing fee in accordance with section 65(1) of the *Act*.

Conclusion

The Landlord is issued an Order of Possession and a Monetary Order for the filing fee. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia 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: June 02, 2023

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Residential Tenancy Branch