

## EVICTION POLICY

### MANUFACTURED HOME PARK

#### FOR ARREARS, LATE RENT, and OTHER UNPAID DEBT

Tenants who are having trouble with their payments, or who know that at least one payment will be late, are strongly urged to discuss the matter with the Band to discuss any options that may be available to them, depending on their circumstances.

- **ARREARS:**

The Tenant is expected to pay the Rent on time. In accordance with the Tenancy Agreement, if the Tenant is more than 3 days late with the Rent payment, the Tenant will be charged a \$15.00 late fee by the Band. After 30 days, interest will accrue on Rent amounts owing for more than 30 days at the prime rate set by the Bank of Canada.

A Tenant is in Arrears when one or more of the following conditions apply:

- a) The Tenant has failed to pay the Rent within 30 days after the due date;
- b) The Tenant has failed to pay Arrears after an Extension was granted by the Band;
- c) The Tenant has paid Rent Arrears but has failed to pay the late fee as outlined in the Tenancy Agreement.
- d) The Tenant has paid Rent Arrears and any applicable Late Fees but has not paid interest as outlined in the Tenancy Agreement and interest has not been waived by the Band.
- e) The Tenant has failed to pay other debts owing to the Band under the Tenancy Agreement.

Procedure:

1. If the Rent has not been paid within 15 days after the due date, a reminder will go out asking the Tenant to bring payments up to date within 15 days or by the next Rent payment due date (whichever is later).
2. If there is no response by the date specified in the reminder letter, a Final Warning will be sent out requiring the Tenant to set up a meeting time with the Residential Property Clerk within 10 days. The Tenant will either make payment in full, including any additional Rent now due or, if the Band agrees, make other payment arrangements.
  - a. The Tenant may apply to the Band for an Extension. The Tenant must explain why the extension is necessary and will be granted at the discretion of the Band.
  - b. If the Tenant has fallen into Arrears but has either made payment in full or has arranged terms within the specified time limit, the Band, at its discretion, may waive any interest or late fees owed by the Tenant.
3. If there is no response to the Final Warning, within the specified time limit, or if the Tenant fails to make payment or payment arrangements after an Extension has been granted, or if the Tenant defaults on a payment arrangement, the Band may refer the

matter to legal counsel for collection through legal action and the Band may begin Eviction procedures by delivering a 30-day Notice of Eviction to the Tenant.

- **REPEATEDLY LATE RENT PAYMENTS ( 3 or more late payments in one year):**

Rent is due no later than the 1<sup>st</sup> of every month, or as specified in the Tenancy Agreement.

Procedure:

1. A payment is late if it is received at any time after the due date. 3 or more late payments by a Tenant in a single year may result in the termination of the Tenancy Agreement and the eviction of the Tenant.
2. After the second late payment, a warning will be sent out requiring the Tenant to set up a meeting time with the Residential Property Clerk within 10 days, to arrange terms. If the Tenant fails to respond or does not agree to terms, the Band may begin eviction procedures by delivering a 30-day Notice of Eviction to the Tenant.

- **OTHER UNPAID DEBT:**

A tenant may have other debts connected with the tenancy including but **not** limited to: property taxes, costs incurred for damage to the Band's or another Tenant's property, costs for failing to maintain the Manufactured Home Site as required by the Tenancy Agreement/ Park Rules and services rendered.

Procedure:

1. If payment is not received when it is due a reminder notice will be sent, providing 30 days to bring payments up to date.
2. If there is no response, a second notice will be sent, providing 14 days in which to make payment or arrange payment terms.
3. If necessary, a third notice will be sent, providing 7 days in which to make payment.
4. If no satisfactory response is received, the account will be referred to legal counsel for collection through legal action and the Band may begin eviction procedures by delivering a 30-day Notice of Eviction to the Tenant.

**Notice of Eviction:** Eviction Notices will be sent by Registered Mail or delivered in person by the Band or its agents to the Tenant or other adult residing at the Manufactured Home Site. The Tenant, or other adult resident, will be required to sign, acknowledging receipt of the Notice of Eviction. The Band will document two attempts to deliver the Eviction Notice. If no adult resident acknowledges receipt the Eviction Notice, after two attempts, it will be affixed to the door of the Tenant's Manufactured Home and the Tenant will be deemed to have been evicted as of the date specified in the Notice. Evicted Tenants are expected to move out of the Park by the date specified on the Eviction Form. If the Tenant fails to vacate the Manufactured Home Site by the date specified on the Eviction Notice, the Band may refer the matter to legal counsel.

**Costs:** Costs incurred for the collection of Arrears or Other Debt through legal action will be billed to the Tenant.