

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

CNLC

Introduction

I have been delegated the authority under Section 9.1 of the *Manufactured Home Park Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing. The parties gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

- (1) Should the 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park be cancelled?

Background and Evidence

Tenants’ evidence

The Tenant served the Landlord with the Notice of Hearing package by posting it on her door on January 22, 2009.

Landlord’s evidence

The Landlord testified that the property is not a Manufactured Home Park site and that she intends to sell the property. The Landlord stated that she offered the Tenant

\$5,000.00 to move from the site.

Analysis

The 12 Month Notice to End Tenancy was issued under Section 42 of the Act and gives the following reason to end the tenancy: "The Landlord has all necessary permits and approvals required by law and intends in good faith, to convert all or a significant part of the manufactured home part to a non-residential use or a residential use other than a manufactured home park."

The Landlord's evidence is that she intends to sell the property and that the property is not a Manufactured Home Park site. Therefore, the reason the Landlord has given to end the Tenancy is, by the Landlord's own admission, not valid and the Notice to End Tenancy is cancelled.

Conclusion

The Tenant's application to cancel the 12 Month Notice to End Tenancy dated January 8, 2009, is granted and the Notice to End Tenancy is hereby cancelled.

March 4, 2009
