



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC, FF

Introduction

This hearing was held in response to the tenant's Application requesting a Notice to End Tenancy for Cause be cancelled.

The tenant provided affirmed testimony that on February 11, 2010 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the landlord at the service address provided on the 1 Month Notice to End Tenancy issued on February 5, 2010, via registered mail. The tenant provided copies of the Canada Post receipt and returned envelope that indicated the landlord did not claim the registered mail.

As registered mail is deemed served on the fifth day after mailing, these documents are deemed to have been served in accordance with section 89 of the Act, however the landlord did not appear at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Unpaid Rent, served pursuant to section 40 of the *Manufactured home Park Tenancy Act (Act)*, should be set aside.

Is the tenant entitled to filing fee costs?

Analysis

The landlord was been served with notice of this hearing and did not attend to provide testimony in support of the Notice. The landlord did not submit any evidence in support of the Notice issued.

Analysis

As the landlord did not attend the hearing, having been served with Notice of the hearing, I find that the 1 Month Notice to End Tenancy issued on February 5, 2010, is of no force or effect and that the tenancy shall continue.

I find that the tenant is entitled to filing fee costs and that she may deduct \$50.00 for the next month's rent owed.

Conclusion

The 1 Month Notice to End Tenancy for Cause issued on February 5, 2010, is of no force or effect and the tenancy will continue until it is ended as provided by the Act.

The tenant may deduct the filing fee cost of \$50.00 from the next month's rent owed.

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: March 30, 2010.

Dispute Resolution Officer