



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNQ; CNL

Introduction

This is the Tenants' application to cancel a 2 month Notice to End Tenancy for Landlord's Use of Property; and to cancel a 2 month Notice to End Tenancy because the Tenants do not qualify for subsidized housing.

Issue(s) to be Decided

Should the 2 month Notice to End Tenancy issued July 28, 2010 be cancelled?

Background and Evidence

The Landlord issued a Notice to End Tenancy under Section 49 of the Residential Tenancy Act.

The Tenant is the owner of a manufactured home and rents a site from the Landlord.

Analysis

Based on the testimony of both parties, I find that this is a tenancy under the Manufactured Home Park Tenancy Act. Therefore a Notice to End Tenancy issued under Section 49 of the Residential Tenancy Act is an invalid notice.

The Notice to End Tenancy issued July 28, 2010, is therefore cancelled.

Conclusion

The Notice to End Tenancy issued July 28, 2010 under Section 49 of the Residential Tenancy Act is an invalid Notice and is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Manufactured Home Park Tenancy Act.

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: October 06, 2010.
