



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNLC FF

Introduction

This hearing dealt with Applications for Dispute Resolution filed by a Tenant and joined by thirteen subsequent Tenant applications to cancel a notice to end tenancy issued by the Landlord who intends to convert the manufacture home park to another use.

No one appeared at the teleconference hearing on behalf of the applicant Tenants; however the Agent for the Respondent Landlord appeared.

Issue(s) to be Decided

1. Has a Notice to End Tenancy been issued and served in accordance with the *Manufactured Home Park Tenancy Act*?

Background and Evidence

The Landlord's Agent appeared and advised that the Landlord did not have the required permits in place so he issued a memo to advise all tenants that the Notice to End Tenancy was being withdrawn. She advised the memo was mailed to each Tenant, a copy was posted to each Tenant's door, and a copy was listed in the local newspaper.

Analysis

A landlord or tenant cannot unilaterally withdraw a Notice to End Tenancy. With the consent of the party to whom it is given, but only with his or her consent, a Notice to End Tenancy may be withdrawn or abandoned prior to its effective date. A Notice to End Tenancy can be waived (i.e. withdrawn or abandoned), and a new or continuing tenancy created, only by the express or implied consent of both parties.

Section 54 of the *Manufactured Home Park Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of

the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time. Based on the aforementioned I find that the Tenants have not presented the merits of their application and the applications are dismissed.

The Tenants have not been successful with their applications; therefore they must bear the burden of the cost to file their applications.

Conclusion

I HEREBY DISMISS the Tenants' applications, without leave to reapply.

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 20, 2011.

Residential Tenancy Branch