



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction,

This hearing dealt with an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act* to cancel a notice to end tenancy for landlord use of property. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Did the landlord serve a valid notice to end tenancy on the tenant?

Background and Evidence

The rental unit is a pad on which the tenant's manufactured home is located. The landlord served the tenant with a two month notice to end tenancy. The form used by the landlord is one that applies to tenancy agreements under the jurisdiction of the *Residential Tenancy Act*. The tenant applied to dispute the notice in a timely manner.

Analysis

Section 45 of the *Manufactured Home Park Tenancy Act* states that in order to be effective, a notice to end a tenancy must be in writing and when given by a landlord to a tenant, must be in the approved form.

In this case the landlord served the tenant with a notice to end tenancy that does not apply to tenancies governed by the *Manufactured Home Park Tenancy Act*. Since the notice was not in the approved form, I find that the notice was not valid and therefore, I set it aside. The tenancy will continue.

Conclusion

The notice to end tenancy is not valid and accordingly it is cancelled.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 22, 2012.

Residential Tenancy Branch