



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, RR

### Introduction

This was a hearing with respect to the tenant's application to cancel a Notice to End Tenancy for cause and for a monetary order. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

### Issue(s) to be Decided

Should the One month Notice to End Tenancy for cause be cancelled?

### Background and Evidence

The rental property is described by the landlord as an RV park and campground. At the outset of the hearing the landlord questioned whether the tenancy fell within the jurisdiction of the Residential Tenancy Branch pursuant to the Manufactured Home Park Tenancy Act. The landlord suggested that the Act does not apply because the rental property is an RV park and campground.

At the hearing the tenant said that the landlord did not have grounds to end his tenancy. He provided documents to show that he became the owner of the trailer that he occupies in consideration of renting the pad that it occupies in the landlord's RV park for a one year term that commenced on September 1, 2011. The trailer was then transferred into his name. The tenant complained that the landlord raised his pad rent during the first year of his tenancy to \$500.00 per month beginning on June 1, 2012. The tenant did not explain how he arrived at his monetary claim for \$350.00.

The landlord served the tenant with a one month Notice to End Tenancy for caused. The Notice required the tenant to move out by July 31, 2013. At the hearing the landlord's representative said that the Notice to End Tenancy was given to the tenant because of his loud outbursts, particularly in the landlord's store on the rental property that were disturbing to the landlord and other occupants.

The tenant said at the hearing that it was the landlord who was unreasonable and his bullying and abusive behaviour made it intolerable to live in the RV Park. During the hearing the tenant said that it was very difficult to find a place where he could move his

trailer in the small community. He said that the landlord's disparaging remarks about him have also made it more difficult to find a place to move.

During the hearing the tenant stated that he will move from the rental property because he has decided that he can no longer put up with the landlord's behaviour.

### Analysis

Based on the tenant's statement that he has decided to move from the rental property, I conclude that the tenant has withdrawn his opposition to the Notice to End Tenancy. The landlord took the position at the hearing that this tenancy was not a tenancy that falls under the jurisdiction of the *Manufactured Home Park Tenancy Act*. The landlord did not request an order for possession. Because the tenant has declared that he intends to move and because of the landlord's position as to jurisdiction I will not issue an order for possession. The tenant claimed payment of \$350.00 in his application. In his documents submitted as evidence he referred to other monetary claims totalling \$2,200.00. Because the application was concerned with the Notice to End Tenancy and whether the tenancy will continue and because the tenant did not include in his application a proper claim for all of the monetary damages that he sought, pursuant to Rule 2.3 of the Residential Tenancy Branch Rules of Procedure, I dismiss the tenant's claim for a monetary order with leave to reapply because it is a dispute unrelated to the principal matter, namely: whether this tenancy will continue.

### Conclusion

The tenant's application to cancel the Notice to End Tenancy is dismissed and his monetary claim is dismissed with leave to reapply. I make no determination as to whether or not this tenancy falls under the jurisdiction 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: August 30, 2013

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Residential Tenancy Branch

