



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Karma Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, FF

Introduction

This hearing was convened to consider the landlord's application for dispute resolution under the *Manufactured Home Park Tenancy Act (the "Act")*, seeking an order of possession for the manufactured home site due to unpaid rent and for recovery of the filing fee.

The listed parties attended the hearing.

Preliminary issue-

At the outset of the hearing due to the lack of documentary evidence submitted in support of their application, the landlords were questioned as to whether or not the landlord had filed any such evidence.

The landlord submitted that this was her first experience with filing her application online, and was not sure how evidence was sent.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the manufactured home site due to unpaid pad rent and to recover the filing fee?

Has the landlord submitted sufficient evidence to support their application for dispute resolution?

Background and Evidence

The landlord is seeking an order of possession for the manufactured home site due to unpaid pad rent pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent issued in

accordance with section 39 of the Act; however, neither this Notice nor any other evidence from the landlord was submitted. Further, the parties could not agree on the contents of the 10 Day Notice as the party appearing for the tenant did not have a copy of the Notice with her.

Analysis and Conclusion

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 45 of the Act. Without being able to review a copy of the Notice to End Tenancy that the landlord said was served on the tenant, I cannot conclude that the Notice is effective and therefore enforceable.

I therefore find that the landlord submitted insufficient evidence to show the tenant was issued a valid, enforceable 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and I therefore dismiss their application, with 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: January 29, 2014

Residential Tenancy Branch

