



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing convened pursuant to an application by the landlord for an order of possession and a monetary order for unpaid rent. The landlord attended the teleconference hearing, but the tenant did not.

Preliminary Issue – Frustration of Tenancy

The landlord's evidence shows that in the summer of 2013, an engineering firm surveyed the land where the rental pad is located and determined, due to instability cause by the erosion of a bank into an adjoining ravine, the rental site was uninhabitable. On September 17, 2013 the landlord sent the tenant a letter indicating that the tenancy was frustrated and therefore the tenancy ended.

The landlord served the tenant with a notice to end tenancy for unpaid rent on February 3, 2013 and they applied for monetary compensation for unpaid rent owing from November 2013 to present. However, I find that the tenancy ended at the time that the rental pad was deemed uninhabitable, and therefore the tenant is not responsible for paying any rent after that date.

Conclusion

The landlord's application is dismissed.

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: April 8, 2014

Residential Tenancy Branch

