



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Blue Spruce Manufactured Home Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OP, MNR, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant applied to cancel a Notice ending tenancy for cause.

The tenant provided affirmed testimony that on September 26, 2014 at approximately 5 p.m. she and a friend, who is an auxiliary RCMP officer, personally served the landlord's agent, S.S., copies of the Application for Dispute Resolution and Notice of Hearing. Service occurred in the Park office.

Therefore, I find that the landlord has been served with Notice of this hearing on the day of personal delivery.

Issue(s) to be Decided

Should a Notice ending tenancy for cause be cancelled?

Background and Evidence

The tenant said that she was given a letter dated September 3, 2014 informing her she must move out of the rental unit. A copy of the letter was supplied as evidence. The letter indicated that the appearance of their site affected the appearance of the Park. The landlord said that the Park Rules also limited the number and size of dogs allowed.

The tenant said that proper Notice, in the approved form, was not given.

The tenant moved into the Park in March 2014 and had 3 dogs at the time. One dog has since died. The tenant was given an undated copy of Park Rules just 2 days ago. A tenancy agreement was not signed; site rent is paid on the 1st day of each month.

The tenant supplied a copy of an October 3, 2014 letter from the landlord which stated the September 3, 2014 letter was withdrawn and that the hearing should be cancelled.

Analysis

In the absence of a Notice ending tenancy issued in the approved form, I find that the landlord has issued notice ending the tenancy in a manner that is not enforceable. If Notice is not given in the approved form, that notice is unenforceable.

Therefore, this tenancy will continue until it is ended in accordance with the legislation.

Conclusion

The landlord has not issued a Notice ending tenancy in the approved form.

The tenancy will continue until it is ended in accordance with the legislation.

This decision is final and binding and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 55(1) of the *Manufactured Home Park Tenancy Act*.

Dated: October 30, 2014

Residential Tenancy Branch

