



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNLC

Introduction

This is an application to cancel a 12 month Notice to End Tenancy.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether to cancel or uphold a Notice to End Tenancy.

Background and Evidence

August 29, 2014 the landlord personally served the tenants with the 12 month Notice to End Tenancy stating the following reason:

- The landlord has all necessary permits and approvals required by law and intends in good faith, to convert all or a significant part of the Manufactured Home Park to a non-residential use or residential use other than Manufactured Home Park.

The tenants have argued that:

- The Manufactured Home Park Tenancy Act/Regulations require that the landlord have all permits in place before giving the Notice to End Tenancy under this section.

- In this case, the landlord has not shown them any permits whatsoever and therefore they believe that the Notice to End Tenancy is not valid, as the landlord has failed to comply with the Act.
- Even the landlord's letter from the CVRD, shows that the landlord could not have had any permits in place when he gave the Notice to End Tenancy, as he did not even get the letter from the CVRD until September 29, 2014, one month after the Notice to End Tenancy was served.
- Further when they moved onto the rental property the landlord never told them of any zoning issues and, in fact, develop the site for them to be able to move their unit on.
- The tenants further stated that this is the second arbitration hearing and at the last arbitration hearing the landlords Notice to End Tenancy was dismissed.
- They therefore ask that this Notice to End Tenancy be canceled, and that the landlord be advised by the Residential Tenancy Branch stop any further harassment.

The landlord testified that:

- He spoke to the Residential Tenancy Branch before giving the Notice to End Tenancy and was advised that, if no permits or approvals are required to change the use of the property, a 12 month Notice to End Tenancy can be given without getting any permits or approvals.
- He subsequently spoke with the Cowichan Valley Regional District and was advised that no permits or approvals are required to convert this property to residential use other than a manufactured home Park.
- He therefore requests that this Notice to End Tenancy be upheld and that an Order of Possession be issued.

Analysis

It is my finding that the landlord has met the burden of proving that no permits or approvals are required to change the use of the property to a residential use other than manufactured home Park.

The Manufactured Home Park Tenancy Act allows the landlord to end a month-to-month tenancy by giving a 12 month Notice to End Tenancy if the landlord intends, in good faith, to convert all or a significant part of the manufactured home Park to a non-residential use or a residential use other than a manufactured home Park.

The Manufactured Home Park Tenancy Act also requires that all **necessary** permits and approvals required by law be in place before this notice is given, however in this case there are no permits or approvals required by law.

Therefore since no permits or approvals are required by law, the landlord is not required to have any permits or approvals in place before giving the 12 month Notice to End Tenancy.

Therefore since this is a month-to-month tenancy, I will not cancel the Notice to End Tenancy and this tenancy will end on August 31, 2015.

As far as the tenants claim that at a previous arbitration hearing the landlords Notice to End Tenancy was dismissed, that is true; however it was dismissed because it was not in the proper form. This Notice to End Tenancy is in the proper form.

Conclusion

This application to cancel Notice to End Tenancy is dismissed, and at the request of the landlord I have issued an Order of Possession for 1:00 PM on August 31, 2015.

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: November 03, 2014

Residential Tenancy Branch

