



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Preliminary Issues

The landlord applied under the *Manufactured Home Park Tenancy Act*; however, this application should have been made under the *Residential Tenancy Act* as the *Manufactured Home Park Tenancy Act* does not apply where a tenant rents both the manufactured home site and the manufactured home. Consequently I have amended this application and heard it under the *Residential Tenancy Act*.

### Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent or utilities; for a Monetary Order for unpaid rent or utilities; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenant for the cost of this application.

The tenant and landlord attended the conference call hearing and gave sworn testimony. The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The tenant provided late evidence to the Residential Tenancy Branch and did not provide this to the landlord. The tenant's evidence has not been considered in this decision.

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the Notice provides

information to the tenant about the reasons given for the Notice and the steps they can take to respond to the Notice.

In the documents before me the landlord has not provided page two of the Notice to End Tenancy for the Notice dated September 13, 2014 provided in documentary evidence. The tenant has testified that she did not receive the second page of the Notice. In order for a legal Notice to be valid and enforceable it must be complete and the burden of proof falls to the landlord to show that both pages of this Notice were served to the tenant. In this case the landlord has not met the burden of proof and as a result I find that the landlord's application must be dismissed with leave to re-apply.

### Conclusion

The landlord's application is dismissed 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 *Residential Tenancy Act*.

Dated: December 01, 2014

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Residential Tenancy Branch

