# Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRLG ENTERPRISES LTD.

## DECISION

Dispute Codes       CNC, MNDC, FF

Introduction

The tenants apply to cancel a one month Notice to End Tenancy dated September 30, 2014 and for a monetary award for move-in expenses and damage to a vehicle and trailer.

This matter first came on for hearing on November 13, 2014.  It was adjourned to this day so as to permit the tenants an opportunity to sell or rent their manufactured home and to assign their tenancy or sublet the manufactured home site.

Neither the tenants nor their counsel attended for the hearing on January 14, 2015.

It would appear the tenants made an attempt to unilaterally cancel the hearing however the request was not accepted by the Residential Tenancy Branch and was referred to me.

The tenants are not in a position to cancel their application in this matter without the consent of the landlord.  The landlord made a verbal application for an order of possession at the first hearing, pursuant to s. 48 of the *Manufactured Home Park Tenancy Act.*, in the event the tenants' challenge to the Notice failed.  The tenants cannot avoid that possible outcome by cancelling their application.

Indeed, Ms. H. for the landlord attended at this hearing and was ready to proceed.  She noted that the tenants appear to have moved away but their manufactured home remains on the site.

In these circumstances the tenants' application is dismissed without leave to re-apply.

As the tenants have failed to successfully challenge the Notice, I find that this tenancy ended on October 31, 2014 as the result.  I grant the landlord and order of possession effective seven days after service of the order on either tenant.

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 14, 2015

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Residential Tenancy Branch