



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The tenant applies to cancel a Notice to End Tenancy given for cause.

A copy of the Notice does not appear to have been filed by the tenant, nor for that matter, by the landlord in his materials.

It is apparent the tenant rents a manufactured home site, not a residential rental unit and that this application should have been made (and perhaps the Notice should have been given) pursuant to the provisions of the *Manufactured Home Park Tenancy Act* and not the *Residential Tenancy Act*.

Rule 2.5 of the Residential Tenancy Branch Rules of Procedure requires that a tenant seeking to cancel a Notice must file a copy of it.

I dismiss the tenant's application with leave to re-apply. As noted at hearing, she will be required to include in her application a request for more time to make that application. That time cannot be extended past the January 31, 2015 effective date of the Notice, so time is of the essence.

As also discussed at hearing, the landlord has not provided sufficient particulars to the tenant, setting out in detail what it is he claims in the Notice. I would commend him to do so if the tenant re-applies.

Under s. 48 of the *Manufactured Home Park Tenancy Act* if a tenant's application to cancel a Notice fails, a landlord may make a verbal request at hearing for an order of possession. As the landlord has not filed a copy of the Notice and is therefore in non-compliance with Rule 2.5, above, I decline to consider any such request.

The parties agreed at this hearing that in future the rent would be paid by cheque and not by cash.

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: January 16, 2015

Residential Tenancy Branch

