



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction and Preliminary Matters

This hearing was convened as a result of the tenant's application for dispute resolution under the *Manufactured Home Park Tenancy Act (the "Act")*. The tenant applied for for an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause (the "Notice") and for recovery of the filing fee paid for this application.

At the outset of the hearing, the landlord was present and the tenant was not. The landlord was informed that I would wait for 10 minutes in order to allow the applicant/tenant adequate time to attend the hearing. During this time, the landlord informed me that she had been granted an order of possession for the manufactured home site through her own application, the order being dated January 27, 2015. The landlord submitted further that the order of possession had been served on the tenant and she believed that the tenant had vacated the premises, as the electricity had been disconnected. The landlord provided the file number for her application, at which time I verified that the landlord had been indeed issued the order of possession through a Decision by another Arbitrator on January 27, 2015.

While in the process of concluding the hearing, the tenant dialled into the telephone conference call hearing near the 10 minute mark. The tenant said she had not abandoned her manufactured home and still had her belongings there.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling the landlord's Notice?

Analysis

I find that I am unable to consider the tenant's application seeking cancellation of a Notice as the tenancy has concluded by the operation of the Decision and order of

possession for the manufactured home site issued to the landlord on January 27, 2015, through her application for dispute resolution. That order remains valid and enforceable, and the issue as to whether this tenancy will continue is made moot.

I therefore dismiss the tenant's application seeking cancellation of the Notice.

Conclusion

The tenant's application is dismissed.

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: February 26, 2015

Residential Tenancy Branch

