



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act*, for an order to set aside a notice to end tenancy. Both parties attended the hearing and had opportunity to be heard.

The tenant filed into evidence a copy of the notice to end tenancy and the landlord did not file any documentary evidence. The parties gave affirmed testimony.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began about five years ago. The rental unit consists of a pad in a manufactured home park. The tenant owns his mobile home and rents the pad for \$298.00 per month. On February 23, 2015, the landlord served the tenant with a notice to end tenancy for cause. The tenant applied to dispute the notice in a timely manner.

The reasons for the notice to end tenancy are that the tenant or his guests have significantly interfered with or unreasonably disturbed another occupant and that the tenant and his guests have engaged in activity that has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant. The landlord did not file any evidence to support the reasons for wanting the tenancy to end.

During the hearing the landlord testified that the reason for the notice to end tenancy was that he had received multiple complaints from the other occupants of the manufactured home park regarding noise disturbances created by the tenant and his guests. The tenant argued that his neighbor's family and their guests cause the noise disturbances by fighting with each other

Analysis

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged

As explained to the parties during the hearing, the onus or burden of proof is on the party making a claim to prove the claim. When one party provides evidence of the facts in one way and the other party provides an equally probable explanation of the facts, without other evidence to support the claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails.

The landlord made allegations that the tenant has disturbed the other occupants and affected their quiet enjoyment of the premises, but did not file any evidence to support his allegations. The tenant denied the allegations. Therefore, I am unable to determine that the landlord has cause to end the tenancy.

I therefore allow the tenant's application and set aside the landlord's notice to end tenancy, dated February 23, 2015. As a result, the tenancy shall continue in accordance with its original terms.

Conclusion

The notice to end tenancy is set aside and the tenancy will continue.

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: March 27, 2015

Residential Tenancy Branch