



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sunrise Valley Mobile Home Park and 0868732 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

This hearing was convened to address a claim by the tenant for an order setting aside a notice to end this tenancy. This matter was set for a telephone conference call hearing at 10:30 a.m. on this date. The line remained open while the phone system was monitored for 10 minutes. During this period, the respondent joined the hearing but the applicant did not. As the applicant did not appear by 10:40 to advance the claim and as the respondent appeared and was prepared to proceed, I dismiss the application without leave to reapply.

I note that the matter at issue was the eviction of the tenant from a site which the landlord testified that the tenant does not legally occupy as there is no tenancy agreement in place for that site. At the hearing, I advised the landlord that because the tenant does not have a legal right to occupy the site in question, the landlord does not need to serve a notice to end tenancy as this document only operates to end a legal tenancy. The landlord is free to give the tenant notice that he should remove his belongings from the site on which he is storing his belongings without authorization and should the tenant fail to remove those items, the landlord may remove them and apply to recover the costs involved from the 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 *Residential Tenancy Act*.

Dated: June 09, 2015

Residential Tenancy Branch

