



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be Decided

Is the tenant entitled to have the One Month Notice to End Tenancy for Cause set aside?

Background and Evidence

The landlord gave the following testimony. The tenancy began on or about April 2011. Rent in the amount of \$570.00 is payable in advance on the first day of each month. The landlord issued a One Month Notice to End Tenancy for Cause pursuant to Section 40 of the Manufactured Home Park Tenancy Act on November 25, 2015 on the following grounds:

1. There are an unreasonable number of occupants on the manufactured home site.
2. The tenant or a person permitted in the manufactured home park by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park.
3. Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park.
4. The manufactured home site must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority.

The landlord stated that the tenants have people coming and going at all hours of the night. The landlord stated that she believes the tenants are engaged in the drug trade. The landlord stated that the tenants have left debris and garbage all around their trailer causing the property to become a nuisance property as per the municipal bylaw. The landlord stated that the park will be closed down by the city on February 29, 2016. The landlord stated that she's received

complaints from neighbors in the area that the tenants are a nuisance, and the noise and traffic to their trailer is unacceptable.

The tenants gave the following testimony. The tenants stated that the landlords' son is the one that has been dealing drugs in the park and was subject to a police investigation. The tenants stated that they are in their "60's" and are in poor health. The tenant stated that this notice is a means for the landlord to avoid the compensation obligation they will need to fulfill with each tenant that is re-located if the city "shuts the park down". The tenant stated that his neighbour has been served the exact same documentary package and notice to vacate. The tenant stated the landlord is issuing generic end of tenancy notices to get everyone out to avoid paying.

Analysis

When a landlord issues a notice under Section 40 of the Act they bear the responsibility in providing sufficient evidence to support the issuance of that notice. The landlord submitted some documentary evidence; however I find it to be vague and very generic. The complaint letters from the neighbors do not specifically address the subject tenants or their site number. In addition, the comments are not specific to a date or time and some of the letters are unsigned. Also, the landlord has not submitted a government order that states the tenants must move out within 30 days. I have reviewed and considered each ground that the landlord has issued the notice on. I am not satisfied that the landlord has provided sufficient evidence on any of the grounds and I therefore set aside the One Month Notice to End Tenancy for Cause dated November 25, 2015.

Conclusion

The Notice to End Tenancy is set aside. The Notice is of no effect or force. The tenancy continues.

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 28, 2016

Residential Tenancy Branch

