



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding G.E.N ENTERPRISES  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OLC

### **Introduction**

This hearing was convened in response to an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for an order the landlord comply with the Act.

Both parties attended the hearing and were given opportunity to present all relevant evidence and testimony in respect to the application and to make relevant prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

### **Issue(s) to be Decided**

Should the landlord be ordered to comply with the Act, regulation or tenancy agreement?

### **Background and Evidence**

The tenancy began 4 years ago. Rent for the pad / site in the amount of \$400.00 is payable in advance on the first day of each month. The parties agree that the local government authority has requested the landlord to end the tenancy and remove the manufactured home from the home park. The landlord has orally requested the tenant to vacate so as to comply with the local government request, and also provided the tenant with a letter dated July 15, 2016 requesting the tenant to vacate, however has not provided the tenant with legal notice in the approved form as prescribed by the Act.

## **Analysis**

Based on the evidence of both parties I find that the methods used by the landlord to date are not effective to end the tenancy. I find that a tenancy ends only pursuant to **Section 37** of the Act. I further find that the landlord seeks to legally end the tenancy they must obtain mutual agreement of the parties to do so in writing, or use the relevant approved form as prescribed by the Act, which states as follows:

### **Form and content of notice to end tenancy**

**45** In order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the manufactured home site,
- (c) state the effective date of the notice,
- (d) except for a notice under section 38 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

As a result of all the above **I Order** that if the landlord seeks to end the tenancy the landlord must comply with **Section 37 and 45** of the Act, as applicable.

## **Conclusion**

The tenant's application is granted.

**This Decision is final and binding on both parties.**

*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: October 26, 2016

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Residential Tenancy Branch

