



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kayhay Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This is an application brought by the Tenant(s) requesting an order canceling a Notice to End Tenancy that was given for nonpayment of rent area.

The applicant testified that the respondent was served with notice of the hearing by personal service on November 5, 2016; however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether to cancel or uphold a 10 day Notice to End Tenancy that was given for nonpayment of rent.

Background and Evidence

The applicant testified that she received the 10 day Notice to End Tenancy on October 31, 2016, personally from the landlord.

The applicant further testified that they have never had a tenancy agreement with this particular person, and that their agreement was with the previous owner of the property.

The applicant further testified that they do not believe the amount of rent claimed by the landlord is owed.

The applicants are requesting an order canceling the Notice to End Tenancy.

Analysis

The respondent did not appear to provide any evidence to today's hearing, nor has there been any evidence supplied by the respondent prior to the hearing, and therefore I have no way of knowing how much if any rent is outstanding, or if there is even a tenancy agreement between the parties.

It is my decision therefore that I will cancel the Notice to End Tenancy and this tenancy will continue.

Conclusion

Pursuant to section 55 of the Manufactured Home Park Tenancy Act, I order that the 10-day Notice to End Tenancy, dated October 31, 2016, is hereby canceled and this 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: December 20, 2016

Residential Tenancy Branch