



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This is an application brought by the tenant(s) requesting an order canceling a Notice to End Tenancy that was given for cause, and requesting recovery of his \$100.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not to cancel or uphold a Notice to End Tenancy that was given for cause.

Decision in reasons

At the beginning of the conference call the question the landlord as to whether the one-month Notice to End Tenancy that is in the file is the notice he had given to the tenant and the landlord stated that it was.

This therefore became a very short hearing, because the notice served by the landlord is an outdated notice that is no longer valid, as it is not in the approved form, and does not even list the correct sections of the Act for ending the tenancy.

Section 45(e) of the Manufactured Home Park Tenancy Act states:

45 In order to be effective, a notice to end a tenancy must be in writing and must (e) when given by a landlord, be in the approved form.

It is my decision therefore that I will cancel the Notice to End Tenancy, as it not in the approved form, and I allow the tenants request for recovery of the \$100.00 filing fee

Conclusion

I hereby cancel the Notice to End Tenancy dated October 10, 2016 and this tenancy continues.

I further Order, pursuant to section 65 of the Manufactured Home Park Tenancy Act, that the landlord bear the \$100.00 cost of the filing fee paid by the tenant. The tenant may therefore make a one-time \$100.00 deduction from future rent payable to the landlord.

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 12, 2016

Residential Tenancy Branch