



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, CNR, FF

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking more time than prescribed to dispute a notice to end a tenancy; for an order cancelling a notice to end the tenancy for cause; for an order cancelling a notice to end the tenancy for unpaid rent or utilities; and to recover the filing fee from the landlord for the cost of the application.

The line remained open while the phone system was monitored for 15 minutes and no participants joined the call during that time. Therefore, I dismiss the tenant's application with leave to reapply.

The *Manufactured Home Park Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

The tenant has provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2017 and containing an effective date of vacancy of May 12, 2017 for unpaid rent in the amount of \$848.00 that was due on May 1, 2017. No details of service are filled in on the form.

The tenant has also provided a copy of a One Month Notice to End Tenancy for Cause dated April 30, 2017 and containing an effective date of vacancy of May 31, 2017. It shows that it was served by posting it to the door or in a mail box or mail slot on April 30, 2017.

Both notices state that they are issued in accordance with the *Residential Tenancy Act*, not the *Manufactured Home Park Tenancy Act*, which is the *Act* upon which the tenant's application is made. The landlord has not provided any evidence and in the circumstances, I am not convinced that either of the notices was issued in accordance with

the *Manufactured Home Park Tenancy Act* or in the approved form. Therefore, I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed with leave to reapply.

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: June 29, 2017

Residential Tenancy Branch