



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC

### **Introduction:**

Only the landlord and a witness attended the hearing and gave sworn testimony. The applicant/tenant's son did not attend but the landlord gave evidence that he served her with the Application personally on May 27, 2017. The landlord provided evidence that she served him personally on April 20, 2017 with the One Month Notice to End Tenancy for cause dated April 20, 2017 to be effective May 20, 2017. The effective date on the Notice is automatically corrected to May 31, 2017 pursuant to section 46 of the Act as a one month Notice to End Tenancy for cause must give a full month's notice and end the tenancy on the day before the day in the month that rent is payable under the tenancy agreement. The tenant's son applies pursuant to the *Manufactured Home Park Tenancy Act* (the Act) to cancel a Notice to End Tenancy for cause pursuant to section 40.

### **Preliminary Issue:**

The landlord said that the man who brought the application is a son of their tenant. His mother allows him to live in the unit. The legal tenant, his mother, is added to the style of cause for notification purposes. However the Order of Possession will be in the son's name as the mother who lives in another park was not served with the Notice to End Tenancy.

### **Issues to be Decided:**

Has the landlord proved on the balance of probabilities that there is cause to end the tenancy and that they are entitled to an Order of Possession? Or is the tenant entitled to any relief?

### **Background and Evidence:**

Only the landlord and a witness attended the hearing and were given an opportunity to be heard, to provide evidence and make submissions. The Notice to End Tenancy was a one month notice given for cause pursuant to section 40 of the Act. The landlord stated the causes were the significant interference and unreasonable disturbance of the

peace and reasonable enjoyment of other tenants and the landlord by the son who is living in the unit.

She described how this son goes from trailer to trailer harassing the neighbours for money or cigarettes. He exhibits bizarre behaviour and the Police have had to attend at least once a week. He has medical problems and the Police have told the landlord that if he misses a pill of his medication, he can have serious issues. She said there are small children in the park and this son threatens them and scares them. He calls the landlord continually and swears at her.

The witness said this son has threatened to shoot his grandson and he points his finger in a shooting gesture at other children and tells them he will come back and get them. It is not a joke as he acts as if fuelled by anger. The witness said he is concerned for the safety of the children in the park and for their emotional well being as they are frightened.

The tenant's son provided no documents to dispute the claim and did not attend the hearing. He provided a copy of Form 15 of the Mental Health Act where he names his mother (the owner of the home) as his near relative for notification. In evidence is a copy of the Notice to End Tenancy.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis:**

I find the tenant's adult son was served with the Notice to End Tenancy on April 20, 2017 and he filed the Application for Dispute on April 28, 2017 within the 10 days allowed under section 40(4). However, I find he did not serve the landlord until May 27, 2017 with the Application. I find section 52(3) of the Act states the Application must be served within 3 days of making it so I find the applicant tenant out of time for serving the landlord. I dismiss his application to cancel the Notice to End Tenancy.

Furthermore, I find the landlord satisfied the onus of proving on a balance of probabilities that they have good cause to end the tenancy. I find section 40(c) of the Act provides a tenancy may be ended if the tenant or a person permitted in the park by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the park. I find his mother has permitted her son to live in the trailer and the weight of the evidence is that her son is significantly interfering with and unreasonably disturbing other occupants and the landlord, especially the children of the

park. I find the evidence of the frequent attendance at the park of the Police to help control the tenant's son's behaviour supports the landlord's and the witness' evidence. I dismiss the Application of the tenant's son without leave to reapply. The Order of Possession will be in his name only as the mother who is the tenant lives in a different park and was not served with the Notice to End Tenancy.

**Conclusion:**

I dismiss the Application of the tenant's son in its entirety. An Order of Possession is issued to the landlord effective two days from service pursuant to section 48(1) of the Act. No filing fee was involved.

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 07, 2017

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Residential Tenancy Branch