



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GREEN BAY LANDING INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened by way of conference call in response to the Tenants' Application for Dispute Resolution (the "Application") filed on May 26, 2017 to cancel a notice to end tenancy for cause.

The Tenants appeared for the hearing and provided affirmed testimony as well as a documentary and photographic evidence prior to the hearing. However, there was no appearance by the Landlords for the 12 minute hearing or any submission of evidence from them. Therefore, I turned my mind to the service of documents by the Tenants for this hearing.

The Tenants testified that they served a copy of the Application and the Hearing Package to the Landlords by registered mail on May 30, 2017. The Tenants provided the Canada Post tracking number into oral evidence, which is documented on the front page of this Decision. The Canada Post website shows that the documents were received and signed for on May 31, 2017. Therefore, in the absence of any evidence to dispute this, I accepted the undisputed evidence before me that the Tenants served the Landlords with their claim pursuant to Section 89(1) (c) of the *Manufactured Home Park Tenancy Act* (the "Act").

The Tenants provided a copy of the 1 Month Notice to End Tenancy for Cause (the "Notice") dated May 23, 2017 into evidence. The Tenants testified that the Notice was received by them through registered mail a few days later. The Tenants applied to dispute the Notice on May 26, 2017. The Tenants testified that they did not agree with Landlords' reason on the Notice, namely that they had significantly interfered with or unreasonably disturbed another occupant or the Landlords, and seriously jeopardised the health or safety or lawful right of another occupant or the Landlords.

### Analysis and Conclusion

Based on the undisputed evidence before me, I find the Tenants made the Application to dispute the Notice within the ten day time limit imposed by Section 40(4) of the Act. The Landlords failed to appear for this hearing and provided no documentary evidence in advance of the hearing to prove the reasons why the tenancy should end.

When a landlord serves a tenant with a Notice, the landlord bears the burden of proof. As the Landlord failed to appear for the hearing to prove the Notice, and the Tenants disputed the Notice, I must now cancel it.

### Conclusion

The Landlords failed to appear for the hearing to prove the Notice. Therefore, I cancel the Notice dated May 23, 2017. The tenancy will continue until it is ended in accordance with the Act. This file is now closed.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act

Dated: July 17, 2017

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Residential Tenancy Branch