



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

Pursuant to section 48(4) of the *Manufactured Home Park Tenancy Act*, the decision in this matter was made without a participatory hearing. The decision was based on an undisputed 10 day Notice to End Tenancy and the written submissions of the Landlord.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 17, 2017, the landlord sent the tenant the Notice of Direct Request Proceeding by registered mail to the rental unit. The landlord provided a copy of the Canada Post Customer Receipt containing the Tracking Number to confirm this mailing. Based on the written submissions of the landlord and in accordance with sections 82 and 83 of the *Act*, I find that the tenant will have been deemed served with the Direct Request Proceeding documents on August 22, 2017, the fifth day after their registered mailing.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 39 and 48 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 60 of the *Act*?

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord on June 4, 2014 and by the tenant on May 29, 2014, indicating a monthly rent of \$702.00, due on the first day of the month for a tenancy commencing on July 11, 2014;

- Two copies of Notice of Rent Increase forms showing the rent being increased from \$702.00 to the current monthly rent amount of \$745.00;
- A Monetary Order Worksheet showing the rent owing and paid during the relevant portion of this tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated August 01, 2017, and posted to the tenant's door on August 01, 2017, for \$4,380.00 in unpaid rent.

Witnessed documentary evidence filed by the landlord indicates that the 10 Day Notice was posted to the tenant's door at 11:25 a.m. on August 01, 2017. The 10 Day Notice states that the tenants had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

### Analysis

Section 45 of the *Act* provides the following requirements regarding the form and content of notices to end tenancy:

***45 In order to be effective, a notice to end a tenancy must be in writing and must***

*(a) be signed and dated by the landlord or tenant giving the notice,*

*(b) give the address of the manufactured home site,*

*(c) **state the effective date of the notice**,...and*

*(e) when given by a landlord, be in the approved form...*

I have reviewed all documentary evidence and I find that there is no effective date (the day when the tenant must move out of or vacate the site) on the 10 Day Notice. I find that this omission invalidates the 10 Day Notice as the landlord has not complied with the provisions of section 45 of the *Act*. It is possible to amend an incorrect date on the 10 Day Notice, but the *Act* does not allow an adjudicator to input a date where none is written in.

Therefore, I dismiss the landlord's application to end this tenancy and obtain an Order of Possession on the basis of the 10 Day Notice of August 01, 2017, without leave to reapply.

The 10 Day Notice of August 01, 2017 is cancelled and of no force or effect.

For the same reasons identified in the 10 Day Notice, the landlord's application for a monetary Order is dismissed, with leave to reapply.

**Conclusion**

The landlord's application for an Order of Possession on the basis of the 10 Day Notice of August 01, 2017, is dismissed, without leave to reapply.

The 10 Day Notice of August 01, 2017, is cancelled and of no force or effect.

This tenancy continues until it is ended in accordance with the *Act*.

I dismiss the landlord's application for a monetary Order, 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: August 21, 2017

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Residential Tenancy Branch