



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 39; and
- authorization to recover the filing fee for this application, pursuant to section 65.

All parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package ("Applications") and evidence. In accordance with sections 81 and 82 of the *Act*, I find that the landlord duly with the tenant's application and evidence. The landlord did not submit any evidence for this hearing.

The tenants confirmed receipt of that the 10 Day Notice to End Tenancy for Unpaid Rent in September. Neither party submitted a copy of the notice for this hearing, and neither party was able to confirm the date of the 10 Day Notice was served to the tenant, or the effective date of the 10 Day Notice.

Section 45 of the *Act* requires that the above Notice complies with the *Act*, specifically, that the Notice 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 rental unit, (c) state the effective date of the notice, (d) state the grounds for ending the tenancy, and (e) be in the approved form.

As neither party submitted a copy of the 10 Day Notice to End Tenancy for this hearing, I am unable to confirm whether the 10 Day Notice complies with the *Act* as required by section 45.

The tenants' application to cancel the 10 Day Notice is allowed, and this tenancy is to continue until ended in accordance with the *Act*.

As the tenants were successful in their application, I am allowing them to recover the \$100.00 filing fee for this application.

Conclusion

I allow the tenants' application, and the 10 Day Notice is cancelled. The 10 Day Notice is of no force or effect. This tenancy continues until ended in accordance with the *Act*.

I allow the tenants to implement a monetary award of \$100.00, by reducing a future monthly rent payment by that amount. In the event that this is not a feasible way to implement this award, the tenants are provided with a Monetary Order in the amount of \$100.00, and the landlord must be served with **this Order** as soon as possible. Should the landlords fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: January 16, 2018

Residential Tenancy Branch