



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a monetary order and for return of personal property.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation?

Is the tenant entitled to return of personal property?

Background and Evidence

The tenant submits that they were illegally evicted and want the landlord to pay for the cost of removal of their manufacture home.

Counsel submits that the landlord served with the tenant with a notice to end tenancy. Counsel submits that the tenant told the landlord that they going to move in with their mother. Counsel submits the tenant turned off the power to the manufacture home and left, without removing the manufacture home, without any discussions, and without providing the landlord with any contact information. Counsel submits the manufacture home is unlivable as the walls are covered in mould.

Counsel submits that after the tenant did not pay rent and had not been see for an extended period of time that the landlord determined the tenant had abandoned the premises.

Counsel submits that the landlord is not responsible to pay the tenant to move their manufacture home from the site.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 37(d) of the Act, states the tenancy ends if the tenant vacates the manufactured home site or abandons a manufactured home on the site.

Although I accept the landlord gave notice to end the tenancy that is not in the proper form and is unenforceable, I find the tenant abandoned the manufacture home on the site. I have determined this as the tenant did not have any discussion with the landlord prior to vacating, disconnected the services causing damage to the home, and did not pay any rent for five months. I find it reasonable under the circumstance that the property was determined abandoned. I find the tenancy ended pursuant to section 37(d) of the Act.

Further, should the tenant want the return of their personal property, the manufacture home, I find it is the tenant responsible to pay for the cost of the removal; not the landlord. Should the tenant not pay for removal of their property, the landlord is at liberty to dispose of the property in accordance with the Regulations.

Therefore, I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's application is dismissed.

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: April 4, 2018

Residential Tenancy Branch