



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MT FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on April 10, 2018, at 9:30 AM. The Tenant applied for the following remedy, pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*):

- Cancellation of the Landlord's 10-Day Notice to End Tenancy for unpaid rent (the Notice).
- More time to make an application to cancel the Notice

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant stated that he personally discussed the issues he was applying for, with the Landlord, and gave the Notice of hearing to him. The Tenant testified that he and the Landlord have since resolved their issues, and he wishes to withdraw his application in full. The Tenant further stated that he did not expect the Landlord to show up for this hearing because they have reached a mutual agreement whereby the tenancy can continue.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant stated that the Landlord issued a Notice because there was an issue with non-payment of rent, which has now been resolved.

In the matter before me, the Landlord has the onus of proof to prove that the Notice is valid. However, the Landlord failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 9:40 AM on April 10, 2018, I allow the Tenant to withdraw his application and I cancel the Notice, from February 1, 2018.

I Order the tenancy to continue until ended in accordance with the Act.

I decline to award the recovery of the filing fee since the Tenant withdrew his application and it appears the parties resolved matters on their own, prior to the hearing.

Conclusion

The Notice issued by the Landlord dated February 1, 2018, is cancelled.

The tenancy will continue until ended in accordance with the Act.

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 12, 2018

Residential Tenancy Branch