



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

On January 17, 2019, the Tenant submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”) requesting to cancel a Notice to End Tenancy and to order the Landlord to comply with the Act. The matter was set for a participatory hearing via conference call.

Preliminary Matters

The Tenant attended the 11:00 a.m. hearing and acknowledged that she did not serve the Notice of Dispute Resolution Proceeding package to the Landlord in time. She admitted that she only served the package to the manufactured home park manager a few days ago. I find that the Landlord has not been served with the Notice of Dispute Resolution Proceedings in accordance with Section 89 the Act. As a result, I dismiss the Tenant’s Application without leave to reapply.

The Landlord attended the conference call hearing at 11:18 a.m. and stated that he just learned about today’s hearing and did not receive the Notice of Dispute Resolution Proceedings package.

The Landlord wanted to proceed with the hearing and to pursue an Order of Possession based on the Tenant failing to apply for dispute resolution in time. After listening to a minute or two of the Landlord’s testimony, I immediately recognized that I would require documentary evidence from the Landlord to assist me in making a finding in regard to the form and content of the Notice to End Tenancy. As the Landlord did not submit any documentary evidence, due to not being informed of this hearing, I did not make any findings regarding the validity of the Notice to End Tenancy and as such, will not be issuing an Order of Possession, in accordance with Section 48 of the Act.

I provided both parties information about applying for Dispute Resolution if they could not address their dispute through open communication and negotiation, and in accordance with the Act.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply. I have not made any findings of fact or law with respect to the Application.

I do not issue an Order of Possession, in accordance with Section 48 of the Act, due to lack of documentary evidence being available by the Landlord.

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: February 19, 2019

Residential Tenancy Branch