



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application by the tenants pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 40

The landlord did not attend this hearing, although I waited until 11:17 a.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 11:00 a.m. The tenant attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The tenant testified that on June 11, 2019, she personally served the landlord with a copy of the Application for Dispute Resolution and Notice of Hearing.

Based on the above evidence, I am satisfied that the landlord was served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 82 of the Act. The hearing proceeded in the absence of the landlord.

The tenant’s application was filed within the time period required under the Act.

Issues

Should the landlord’s One Month Notice be cancelled?

Background and Evidence

The One Month Notice subject to this dispute is dated May 27, 2019. The tenants' application to cancel the One Month Notice was filed on June 6, 2019 within the time period permitted under the Act.

Analysis

Section 40 of the Act contains provisions by which a landlord may end a tenancy for cause by giving notice to end tenancy. Under this section, a tenant may dispute a One Month Notice by making an application for dispute resolution within ten days after the date the tenant received the notice. If the tenant makes such an application, the onus shifts to the landlord to justify, on a balance of probabilities, the reasons set out in the One Month Notice.

The landlord did not participate in the hearing and as such has failed to provide sufficient evidence to justify cause to issue the One Month Notice. Accordingly, the One Month Notice is hereby cancelled and of no force or effect.

Conclusion

I allow the tenants' application to cancel the landlord's One Month Notice dated May 27, 2019, which is hereby cancelled and of no force or effect. This tenancy continues until it is 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: July 08, 2019

Residential Tenancy Branch