



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC

### Introduction

This hearing dealt with the tenant's application for dispute resolution under the Manufactured Home Park Tenancy Act (the "Act"). The tenant applied for an order cancelling the landlord's One Month Notice to End Tenancy for Cause (the "Notice")

The tenant attended the telephone conference call hearing; the landlord did not attend.

The tenant testified that he served the landlord with his application for dispute resolution and notice of hearing by registered mail on July 19, 2019. The tenant supplied the Canada Post tracking number, which is listed on the style of cause page in this Decision.

Based upon the submissions of the tenant, I accept the landlord was served notice of this hearing and the tenant's application in a manner complying with section 82(1) of the Act and the hearing proceeded in the landlord's absence.

The tenant was provided the opportunity to present his evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (the "Rules"); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the tenant entitled to an order cancelling the landlord's Notice?

### Background and Evidence

The tenant submitted that the landlord served him with the Notice by registered mail and that he received it on July 5<sup>th</sup> or 6<sup>th</sup>, 2019, by hand delivery. The move-out date listed on the Notice was August 1, 2019.

The tenant submitted a copy of the Notice, which shows it was dated July 26, 2019; however, as the tenant received it on July 5<sup>th</sup> or 6<sup>th</sup>, it appears to be an error.

When a landlord issues a notice to end tenancy and the tenant files an application to dispute the notice, the landlord must prove that there is sufficient cause under the Act to end the tenancy.

The Notice did not list any causes, as none of the boxes associated with each alleged cause on the approved Residential Tenancy Branch (“RTB”) form used by the landlord was marked.

### Analysis

After reviewing the relevant evidence, I provide the following findings, based upon a balance of probabilities:

In order to end a tenancy under section 40 of the Act for alleged cause, as is the case before me, the landlord is required to state a reason for which he seeks to end the tenancy. As the landlord failed to mark any reasons or causes, I find the Notice is not valid.

I therefore grant the tenant’s application and order that the Notice dated and signed July 26, 2019, be cancelled and of no force or effect, with the result that the tenancy continues until it may otherwise end under the Act.

### Conclusion

The tenant’s application has been granted as I have ordered that the landlord’s One Month Notice to End Tenancy for Cause dated July 26, 2019, is cancelled.

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: September 13, 2019

---

Residential Tenancy Branch