



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      CNC MNDC OLC LRE FF

### 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 One Month Notice to End Tenancy For Cause (the One Month Notice), pursuant to section 40;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 60;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 55;
- authorization to change the locks and/or to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 63;
- authorization to recover the filing fee for this application from the landlord pursuant to section 65.

The landlord did not attend this hearing, although I waited until 9:50 a.m. to enable the landlord to connect with this teleconference hearing scheduled for 9:30 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 April 9, 2020, she sent a copy of the Application for Dispute Resolution and Notice of Hearing to the landlord by e-mail as permitted by the Director’s emergency order dated March 30, 2020. The tenant did not submit a copy of the e-mail or proof of acknowledgment of receipt; however, testified that the landlord did respond acknowledging receipt. I note that the landlord appears to have submitted evidence online in response to the tenant’s application.

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 & 83 of the Act. The hearing proceeded in the absence of the landlord.

### Preliminary Issue – Scope of Application

*Residential Tenancy Branch Rules of Procedure*, Rule 2.3 states that, if, in the course of the dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

Aside from the application to cancel the Notice to End Tenancy, I am exercising my discretion to dismiss the remainder of the issues identified in the tenants' application with leave to reapply as these matters are not related. Leave to reapply is not an extension of any applicable time limit.

### Issues

Should the landlord's One Month Notice be cancelled? If not, is the landlord entitled to an order of possession?

Is the tenant entitled to recover the filing fee for this application from the landlord?

### Background and Evidence

The One Month Notice subject to this dispute is dated March 24, 2020 and the tenant acknowledged receiving the Notice on March 25, 2020. The tenant's application to cancel the One Month Notice was filed on April 6, 2020 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. 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.

As the tenant was successful in this application, I find that the tenant is entitled to recover the \$100.00 filing fee paid for this application from the landlord. The tenant is awarded a monetary order in the amount of \$100.00.

### Conclusion

I allow the tenant's application to cancel the landlord's One Month Notice dated March 24, 2020, 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: May 28, 2020

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Residential Tenancy Branch