



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FFT

### Introduction

The tenant applies to cancel a one month Notice to End Tenancy for cause.

The Notice was given claiming the tenant has not complied with an order of the director within 30 days of the later of the following dates: (i) the date the tenant receives the order; (ii) the date specified in the order for the tenant to comply with the order. Such a claim, if proven, is good cause for ending a tenancy under the *Manufactured Home Park Tenancy Act* (the “Act”).

Both parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only evidence that had been traded between the parties was accepted during the hearing.

### Issue(s) to be Decided

Has the tenant failed to comply with and order of the director of the Residential Tenancy Branch?

### Background and Evidence

The manufactured home site in question is located in a 117 site RV Park. It is confirmed that most tenants in the park are full-time residents, not seasonal residents.

The tenant moved into the park in or about 2003. The respondent landlord acquired the park after that and later, in 2012, started managing the park. A new tenancy agreement was created at that time. The pad rent is currently \$414.08 per month, due on the first of each month.

The landlord's representative refers to an earlier arbitration decision dated May 13, 2020 in a dispute resolution proceeding heard May 12, and says that in that matter an order was made, with which the tenant has not complied.

That matter was an application by the tenant to cancel an earlier Notice to End Tenancy.

Each side gave evidence about how the other in violation of the law or generally being difficult with the other.

### Analysis

I have closely reviewed the decision rendered May 13, 2020. It does not contain any order that the tenant do or not do anything. At best it notes some impressions and some "findings" along with opinions about the effect of the *Act*. These references were obviously given in a hope that the parties might find common ground and settle their differences between themselves.

Further, neither party had applied for a compliance order of any kind, nor is there evidence that they mutually agreed at hearing that the arbitrator should consider such a thing. The arbitrator would have had no basis to grant a compliance order.

### Conclusion

The Notice to End Tenancy is hereby cancelled. As the tenant has been successful, she is entitled to recover the \$100.00 filing fee for this application. I authorize her to reduce her next rent due, in full satisfaction of the fee.

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: August 17, 2020

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Residential Tenancy Branch