



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNR, OLC, FF

### **Introduction**

This hearing dealt with an application by the tenant pursuant to sections 46, 62 and 72 of the *Manufactured Home Park Tenancy Act*. The tenant applied to cancel a notice to end tenancy for nonpayment of rent, for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee.

The tenant testified that he had served the landlord with the hearing package on August 13, 2020 by registered mail. The tenant filed proof of service. Despite having been served with the hearing package, the landlord did not attend the hearing. The tenant/applicant attended the hearing and was given full opportunity to present evidence and make submissions.

At the outset of the hearing, the tenant informed me that the parties had discussed a resolution of this dispute among themselves, prior to this hearing and had come to an agreement. The tenant stated that the parties agreed to attend the hearing and have the Arbitrator document the agreement. Since the landlord did not attend, I am unable to assist the parties in documenting their agreement.

### **Background and Evidence**

The tenant submitted that the tenancy started on December 01, 2014. The current monthly rent is \$400.00 payable on the first of the month.

On August 03, 2020, the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The tenant disputed the notice in a timely manner.

### **Analysis**

In order to support the notice to end tenancy, the landlord must prove the grounds alleged as the reason for the notice to end tenancy. The landlord did not attend the hearing.

Without additional testimony and evidence to support the reason for the notice to end tenancy, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notice to end tenancy.

Since the notice has been set aside, I award the tenant the recovery of the filing fee of \$100.00. I allow the tenant to make a one-time deduction of \$100.00 from a future rent

### **Conclusion**

The notice to end tenancy is set aside and the tenancy shall continue.

The tenant may make a one-time deduction of \$100.00 from a future rent.

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 14, 2020

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Residential Tenancy Branch