



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNC, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on August 30, 2020 (the "Application"). The Tenant applied for the following relief, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act"):

- an order cancelling a One Month Notice to End Tenancy for Cause, dated August 27, 2020 (the "One Month Notice");
- an order that the Landlord comply with the *Act*;
- an order granting the return of the filing fee.

The hearing was scheduled for 9:30AM on October 13, 2020 as a teleconference hearing. K.C. appeared on behalf of the Tenant at the appointed date and time of the hearing. No one appeared for the Landlord. The conference call line remained open and was monitored for 12 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that K.C. and I were the only persons who had called into this teleconference.

K.C. testified the Application and documentary evidence package was served to the Landlord by registered mail on September 2, 2020. A copy of the Canada Post registered mail receipt was submitted in support. Based on the oral and written submissions of the Applicants, and in accordance with sections 89 and 90 of the *Act*, I find that the Landlord is deemed to have been served with the Application and documentary evidence on September 7, 2020 the fifth day after their registered mailing.

K.C. was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written

evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

I note that Section 55 of the *Act* requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the *Act*.

Preliminary Matter

At the start of the hearing, K.C. stated that the tenancy has ended after the Tenant vacated the site sometime in early October 2020. As such, I find that the Tenant's Application to cancel a One Month Notice and an order for the Landlord to comply with the *Act* are now moot claims. In light of the above, I dismiss the Tenant's Application in its entirety without leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply as the Tenant's advocate indicated that the tenancy has ended.

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: October 13, 2020

Residential Tenancy Branch