



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, LRE

### Introduction

The tenant disputes various notices to end the tenancy under section 40 of the *Manufactured Home Park Tenancy Act* ("Act"). In addition, the tenant had applied for an order restricting the landlords' right to enter the site, pursuant to section 63 of the Act.

A teleconference hearing was held on Tuesday, June 15, 2021 at 9:30 AM. The tenant joined the hearing at 9:36 AM, and the hearing ended at 9:46 AM. At no time during the hearing did the landlords dial-in. Given the volume of evidence and submissions made by the landlords, I find that all parties were aware of the hearing.

### Preliminary Issue: Dismissal of Claim Unrelated to the Notice

Rule 2.3 of the *Rules of Procedure*, under the Act, states that claims made in an application must be related to each other. It further states that an arbitrator may use their discretion to dismiss unrelated claims with or without leave to reapply.

Having reviewed the tenant's application, I find that the claim for an order under section 63 of the Act to be unrelated to the dispute of the notices. Accordingly, that aspect of the tenant's application is dismissed, with leave to reapply.

### Preliminary Issue: Non-Attendance of Landlords

Where a tenant applies to dispute a notice to end the tenancy, the onus (or burden) falls on the landlord to prove, on a balance of probabilities, the grounds on which the notice to end tenancy was given. As the landlords did not appear before me at the hearing to prove any grounds, any notices to end tenancy that they intended to have upheld are hereby cancelled. Specifically, this includes the One Month Notice to End Tenancy for Cause that was served on February 26, 2021, and which is now cancelled.

The tenancy shall continue until it is ended in accordance with the Act.

On a final note, in response to the tenant's queries about filing a complaint, with the Director of Compliance and Enforcement, against her landlords for "excessive complaints and grievances" (as described by the tenant) the tenant may contact the Residential Tenancy Branch's information line at 1-800-665-8779 for more information.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: June 15, 2021

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Residential Tenancy Branch