



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on August 27, 2021 (the “Application”). The Tenant applied to dispute a One Month Notice to End Tenancy for Cause dated August 24, 2021 (the “Notice”).

The Tenant appeared at the hearing with D.D. Nobody appeared at the hearing for the Landlord. I explained the hearing process to the Tenant and D.D. who did not have questions when asked. I told the Tenant and D.D. they were not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”). The Tenant and D.D. provided affirmed testimony.

The Tenant submitted evidence prior to the hearing. The Landlord did not submit evidence. I addressed service of the hearing package and Tenant’s evidence.

D.D. testified that the hearing package was sent to the Landlord by registered mail at the address on the Notice. D.D. provided Tracking Number 485CA. I looked Tracking Number 485CA up on the Canada Post website which shows the package was sent September 14, 2021 and delivered to the Landlord September 16, 2021.

D.D. testified that the Tenant’s evidence was served on B.F. in person December 26 or 27, 2022. D.D. testified that the Landlord was the park manager until October 14, 2021 when B.F. took over.

Based on the undisputed testimony of D.D., I accept that the Landlord was served with the hearing package and Tenant’s evidence in accordance with sections 81(a) and 82(c) of the *Manufactured Home Park Tenancy Act* (the “Act”). I also accept that the

Tenant complied with rule 3.1 of the Rules in relation to the timing of service of the hearing package. I note that the Tenant did not comply with rule 3.14 of the Rules in relation to the timing of service of their evidence; however, I do not find this relevant because I have not considered the Tenant's evidence other than the Notice which was served on the Tenant by the Landlord and therefore the Landlord would have been aware of this evidence in any event.

As I was satisfied of service of the hearing package, I proceeded with the hearing in the absence of the Landlord. The Tenant and D.D. were given an opportunity to present relevant evidence and make relevant submissions. I have considered the Notice as well as the testimony of the Tenant and D.D. I will only refer to the evidence I find relevant in this decision.

Issue to be Decided

1. Should the Notice be cancelled?

Background and Evidence

The Tenant and D.D. testified that the Tenant has a verbal tenancy agreement with the Landlord.

The hearing proceeded for 12 minutes. Nobody called into the hearing for the Landlord.

Analysis

Pursuant to rule 6.6 of the Rules, the Landlord has the onus to prove the grounds for the Notice. Given nobody appeared at the hearing for the Landlord, the Landlord has failed to prove the grounds for the Notice and the Notice is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

Conclusion

The Application is granted. The Notice is cancelled. The tenancy will continue until otherwise 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 *Act*.

Dated: January 10, 2022

Residential Tenancy Branch