



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sunny Trails Club THE Campground
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC, LRE, FFT

Introduction

This hearing dealt with the applicant's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 40;
- an Order that the respondent's right to enter be suspended or restricted, pursuant to section 63;
- an Order directing the respondent to comply with the *Act*, regulation or tenancy agreement, pursuant to section 55; and
- authorization to recover the filing fee for this application from the respondent, pursuant to section 65.

The applicant, the manager for the respondent and counsel from the respondent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The applicant's witness attended the start of the hearing but did not provide affirmed testimony.

Both parties agree that the applicant moved her R.V. off the respondent's property and that the applicant no longer resides on the respondent's property. The parties disagreed as to whether or not the *Act* applies to the site the applicant's R.V. was on. The applicant testified that the *Act* applied, the respondent's written submissions state that the *Act* does not apply.

I find that since the applicant no longer resides on the respondent's property, the issues raised in this application are no longer applicable. I therefore dismiss the tenant's application for dispute resolution. As the tenant's application is dismissed, I decline to consider the question of jurisdiction.

As the tenant was not successful in this application for dispute resolution and moved out before the hearing, I find that the tenant is not entitled to recover the \$100.00 filing fee, pursuant to section 65 of the *Act*.

Conclusion

The applicant's application is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 22, 2022

Residential Tenancy Branch