



# 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 as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on March 28, 2022. The Tenant applied to cancel a 1-Month Notice to End Tenancy for Cause (the Notice), pursuant to the *Manufactured Home Park Tenancy Act* (the "Act").

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that she served the Landlord with her application package (Notice of Dispute Resolution Proceeding and evidence) on December 17, 2021, by registered mail. The Tenant provided mail tracking to corroborate the package was sent. Pursuant to section 83 of the Act, I find the Landlord is deemed to have received this package on December 22, 2021, the fifth day after its registered mailing.

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.

### Issue to be Decided

- Should the Notice be cancelled?

### Background, Evidence, and Analysis

The Tenant stated that she still resides on the rental property, and wishes to continue the tenancy. The Tenant stated that she received the Notice on December 5, 2021. A copy of the Notice was provided into evidence.

In the matter before me, the Landlord who issued the Notice has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 9:40 AM on March 28, 2022, I cancel the Notice, from December 2021.

I Order the tenancy to continue until ended in accordance with the Act.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenant was successful in her application, I order the Landlord to repay the \$100.00 fee that the Tenants paid to make application for dispute resolution. The Tenant is entitled to a monetary order for this amount.

### Conclusion

The Tenant's application is successful. The Notice issued by the Landlord is cancelled.

The tenancy will continue until ended in accordance with the Act.

The Tenant is granted a monetary order in the amount of **\$100.00**. This order must be served on the Landlord. If the Landlord fails to comply with this order the Tenant may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: March 28, 2022

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Residential Tenancy Branch