



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Page: 1

A matter regarding 0868732 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Code: CNR

Introduction

The tenant filed an application to dispute a *10 Day Notice to End Tenancy for Unpaid Rent* (the “Notice”) under section 39(4)(b) of the *Manufactured Home Park Tenancy Act* (the “Act”).

Attending the dispute resolution hearing on August 9, 2022 was the tenant and their legal advocate. They dialled into the hearing at approximately 9:38 AM. No one from the respondent landlord attended the hearing, which ended at 9:44 AM.

Preliminary Issue: Non-Attendance of Respondent Landlord

The tenant gave evidence that they served the Notice of Dispute Resolution Proceeding on the landlord’s representative, in person, on or about May 25, 2022. I am satisfied based on the undisputed evidence before me that the landlord was served the required paperwork necessary for them to participate in the hearing.

Where an applicant tenant disputes a notice to end tenancy, the onus falls on the respondent landlord to prove the ground for issuing the notice to end tenancy. In this dispute, given that the landlord did not attend the hearing to prove the reason for issuing the Notice, they have not proven any ground.

As such, the Notice, served on May 6, 2022, is cancelled effective immediately. The tenancy shall continue until it is ended in accordance with the Act.

Conclusion

For the reasons given above the tenant’s application is hereby GRANTED.

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

Dated: August 09, 2022