



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, FFT**

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Tenant on June 15, 2022 under the *Manufactured Home Park Tenancy Act* (the “Act”), seeking to cancel a Notice to End Tenancy and the cancelation of a One Month Notice to End Tenancy for Cause dated June 6, 2022 (the “One Month Notice”), in addition to the recovery of the filing fee.

The Tenant attended the hearing at the appointed date and time. No one attended the hearing for the Landlord. The Tenant testified that he served the Application to the Landlord on July 8, 2022 via registered mail. The Tenant provided the tracking information during the hearing, which is reflected on the cover page of this Decision. Based on the oral submissions of the Tenant, and in accordance with sections 82 and 82 of the *Act*, I find that the Landlord is deemed to have been served with the Application on July 13, 2022, the fifth day after their registered mailing. The Landlord did not submit documentary evidence in response to the Application.

Preliminary Matters

According to Section 40(1) of the *Act*, a landlord may end a tenancy by giving notice to end the tenancy for cause. In the matter before me, the Landlord has the onus of proof to prove that the One Month 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.

In light of the above, I cancel the One Month Notice, dated June 6, 2022. I order the tenancy to continue until ended in accordance with the Act.

As the Tenant was successful with their Application, I find that they are entitled to recover the \$100.00 filing fee paid to make the Application. I order that the Tenant is permitted to deduct \$100.00 from one (1) future rent payment.

Conclusion

The Tenant's application is successful. The One Month Notice issued by the Landlord dated June 6, 2022 is cancelled. The tenancy will continue until ended in accordance with the Act. The Tenant is permitted to deduct \$100.00 from one (1) future rent payment.

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: November 03, 2022

Residential Tenancy Branch