

DECISION

Dispute Codes: MNR, MNSD and FF

Introduction

This application was brought by tenants seeking to have set aside a Notice to End Tenancy dated and served on February 1, 2010 for cause pursuant to section 40 of the *Manufactured Home Park Tenancy Act*.

Reasons cited on the notice include that the tenant(s) seriously jeopardized the health, safety or lawful right of other occupants or the landlord; failed to complete required repairs; breached a material term of the rental agreement; and, assigned or sublet the rental unit without the landlord's written consent.

Issue(s) to be Decided

This application requires a decision on whether the Notice to End Tenancy should be set aside or upheld.

Background and Evidence

At present, the landlord states there is no rental agreement between the landlord and the applicants. Rent is \$339 per month.

During the hearing, the female applicant gave evidence that she has just received proof of title of the manufactured home and will be providing that to the landlord forthwith.

The tenants' advocate noted that the Notice to End Tenancy had named the male applicant who is not an owner, the sub tenant (whose tenancy, if verified, would be between him and the tenants and under the *Residential Tenancy Act*, the former owner through her Committee, and a deceased person. However, she noted that the nominal owner, the female applicant, was not named in the notice.

Analysis

As the nominal owner has not been named in the Notice to End Tenancy, I find that the Notice to End Tenancy of February 1, 2010 must be set aside.

The site is said to have passed from the original tenant, through her Committee, to the current nominal tenant without assignment and sub-let without required approvals.

Therefore, due to the complexity of this matter it is suggested that the parties seek the guidance of branch information staff either by telephone at 1 800 665-8779, or 604 660-1020 or preferably by email inquiry to HSRTO@gov.bc.ca.

Conclusion

The Notice to End Tenancy of February 1, 2010 is set aside and the landlord remains at liberty to issue a new notice once the matter of the proper recipient(s) has been clarified.

February 24, 2010