



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding EL CAMINO MHP LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Code: CNR

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution made by the tenant under the Manufactured Home Park Tenancy Act (referred to as the “Act”) to cancel a notice to end tenancy for unpaid rent or utilities.

The tenant and landlord appeared for the hearing. The tenant testified that she had served the Notice of Hearing documents to the landlord by placing them in the landlord’s mail slot. Section 82 of the Act does **not** allow for an application for dispute resolution to be served by leaving a copy of it in the mail slot. As a result, I find that the tenant did not serve the landlord as required by the Act.

The tenant explained that she had paid the full amount of rent to the landlord which the landlord confirmed was the case. As a result, the landlord was willing to waive the notice to end tenancy and re-instate the tenancy.

The landlord was cautioned in relation to section 45 of the Act which states that a notice to end tenancy must be dated. In this case, the landlord did not date the notice to end tenancy but testified that it had been served to the tenant on November 26, 2013 which was confirmed by the tenant.

As a result, the landlord and tenant consented to the waiving of the notice and continuing of the tenancy until such time it is ended in accordance with the Act.

The tenant is cautioned regarding her obligations to pay rent on time, pursuant to section 20 of the Act.

Conclusion

For the reasons set out above, I dismiss the tenant’s application. However, with the consent of the both parties, the notice to end tenancy issued to the tenant by the

landlord on November 26, 2013 is withdrawn by the landlord and the tenancy will continue until such time it is ended in accordance with the Act.

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: January 22, 2014

Residential Tenancy Branch

