



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel a handwritten Notice to End Tenancy dated September 3, 2018

The Applicant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on November 1, 2018. A representative of the Respondent was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The Applicant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the Respondent was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

The Respondent testified that she was not served with the complete Application for Dispute Resolution.

Further, she submits the Residential Tenancy Act does not apply and that I do not have jurisdiction based on the following:

- The business has operated as a campground/RV site for approximately 50 years. She is not permitted to have manufactured homes on the site.
- The rent is charged on a daily basis although a discount is given for residents who are staying long term.
- The relationship is a licence to occupy. This is made clear to all residents at the time they move in.
- The Applicants no longer live in the park. The Applicant got into a dispute with a representative of the Respondent at the end of the third week in September. The police were called and the Applicant was removed. The Police also towed their RV. She understands they have moved to another site in a different community.

Analysis:

The Applicants failed to appear at the hearing. On the basis of the evidence presented at the hearing I determined that the relationship between the parties is a licence to occupy and that the Residential Tenancy Act does not apply. As a result I declined to hear this matter as I determined that I do not have jurisdiction.

This decision is final and binding on the parties.

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 01, 2018

Residential Tenancy Branch