



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROBERT PC URBAN DEWDNEY HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNLC, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for:

- cancellation of the landlord's 12 Month Notice to End Tenancy for Conversion of a Manufactured Home Park (the 12 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 50;

Both parties attended the hearing via conference call and provided undisputed affirmed testimony. Both parties confirmed receipt of the notice of hearing package and the submitted documentary evidence. Neither party raised any service issues. I accept the undisputed affirmed testimony of both parties and find that both parties have been sufficiently served as per sections 88 and 89 of the Act.

Preliminary Issue(s)

At the outset, both parties confirmed that the named respondent/landlord was incorrectly named to include the first name, "Robert". Both parties confirmed the landlord's name with the remaining portion of that provided in the application for dispute. As, I order that the tenant's application be amended to remove "Robert" as an inadvertent error.

Both parties confirmed that the tenant only submitted a copy of a 1 page spreadsheet and a 1 page copy of a demolition permit in pdf format.

Section 42 of the Act states in part that a landlord may end a tenancy by giving notice to end the tenancy. In the case before me neither party submitted a copy of the 12 month

notice. It was explained to both parties that in an application to cancel a notice to end tenancy, a copy of the notice is crucial and vital in nature for this document to be provided. The Notice is not a trivial piece of information. It is the foundation that a landlord or tenant relies on to assist in the application for dispute. As such, I find without the notice, the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

As for the second portion of the tenant's claim, an order for the landlord to comply with the Act, regulations or tenancy agreement. The tenant has clarified that this is no longer an issue and that the landlord is complying. As such, this portion of the tenant's application was cancelled by the tenant.

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: December 06, 2018

Residential Tenancy Branch