



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE PLEASANT VIEW MOTEL AND RV
PARK and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

File 910062223: OLC, CNL-4M, FF
File 910062225: OLC, OT, FF
File 910062227: OLC, OT, FF
File 910062224: OLC, CNL-4M, FF
File 910062935: CNLC, OLC, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the joined applications for dispute resolution of the named tenants.

The tenants' applications dealt with issues under the Manufactured Home Park Tenancy Act (Act).

The lead tenant, SA, in file 910062223 applied for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, an order cancelling the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit, issued by the landlord, and recovery of the cost of the filing fee.

The tenant in file 910062225 applied for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, other relief, and recovery of the cost of the filing fee.

The tenant in file 910062227 applied for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, other relief, and recovery of the cost of the filing fee.

The tenant in file 910062224 applied an order cancelling the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit, issued by the landlord, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and recovery of the cost of the filing fee.

The tenants in file 910062935 applied for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, an order cancelling the 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park, and recovery of the cost of the filing fee.

The designated lead tenant, SA, initially filed his application for dispute resolution on or about February 3, 2022. Three other tenants made their applications on February 3, 2022, and tenants KL and TS made their application on February 10, 2022.

While the listed issues in each application were not all the same, the same issue caused the applications to be filed. The central issue and request of each tenant was cancellation of a Notice to end the tenancy served to the tenants by the landlord. The Notices were dated January 28, 2022, for an effective date of May 31, 2022.

Each tenant received a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit (Notice). This particular Notice is on RTB form-29 and is related to a Notice under the Residential Tenancy Act). These tenancies fall under the jurisdiction of the Manufactured Home Park Tenancy Act.

The owner/landlord, HP, appeared at the hearing and said she was not proceeding with any of the Notices, as she has sold the property, and there is a new owner as of April 1, 2022. HP said that the document was for negotiation purposes, that she decided to drop the whole thing, and that she withdrew the Notices the day they were issued.

The tenants agreed that the Notices should be withdrawn; however, the tenants requested their filing fees.

Analysis and Conclusion

Due to the above, I find by mutual agreement of the parties, the Four Month Notices to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit served to each of the tenants, dated January 28, 2022, with an effective vacate date of May 31, 2022, are hereby withdrawn.

The Notices are therefore null and void and therefore unenforceable.

As a result, I find it was no longer necessary to consider the tenants' applications, as the matters are moot.

Under Tenancy Policy Guideline 11, a landlord or tenant cannot unilaterally withdraw a notice to end tenancy. As notices to end a tenancy issued by a landlord have legal consequences if not disputed, I find it reasonable to conclude the tenants had to incur filing fee to dispute the Notices.

For this reason, I award recovery of the \$100 filing fee to each tenant, other than the tenant in file 910062224, who did not pay a filing fee.

To recover the cost of the filing fees, I direct each tenant granted recovery of their filing fee to deduct \$100 from a monthly 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: May 06, 2022

Residential Tenancy Branch