

DECISION

Dispute Codes CNC, FF

This is an application filed by the Tenant to cancel a 1 month notice to end tenancy for cause and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Tenant submitted a copy of the 1 month notice to end tenancy for cause. Neither party submitted any other documentary evidence. As both parties have attended the hearing and have acknowledged receiving the submitted evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing it was clarified with both parties that the Strata does not represent the Landlord in this Tenancy. The Tenant states that his Landlord supports his claim to cancel the notice. The Agent for the Strata states that the Tenant has been evicted under the Strata Property Act. Both parties agree that the Tenant was served with the 1 month notice to end tenancy for cause dated June 27, 2012 with a stated effective date of July 31, 2012.

The Residential Tenancy Act does not recognize the Strata as a Landlord for the purposes of a Tenancy. The Strata does not have the authority to serve the Tenant with a 1 month notice to end tenancy for cause under section 47 of the Residential Tenancy Act dated June 27, 2012 issued by the Strata. The Tenant's application to cancel the notice is granted.

As for the Tenant's application to recover the \$50.00 filing fee, I also find that I have no authority to order the Strata who is not a Landlord to pay this amount. This portion of the application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 01, 2012.

Residential Tenancy Branch