



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNDC

Introduction

The landlord applies for an order of possession pursuant to a one month Notice to End Tenancy for cause served on the tenant on June 12, 2013 and for a \$250.00 monetary award for the cost of moving a recreation vehicle off the property.

The tenant has not applied to dispute the Notice and does not contest the \$250.00 claim.

Issue(s) to be Decided

Is there a reason to hold that the Notice to End Tenancy has not ended the tenancy pursuant to s. 47 of the *Residential Tenancy Act*?

Background and Evidence

The rental unit is a cabin on rural property. The tenancy started seven or eight years ago. The monthly rent is \$350.00. The landlord holds no deposits.

The tenant acknowledges receiving the one month Notice back in June but says 1) that he got only the first two pages, 2) that he didn't have a computer at that time, and 3) that he didn't have \$50.00 to make an application to cancel the Notice.

Analysis

The tenant obviously knew about the time limit he was operating under to apply to cancel the Notice. Otherwise he would not have been aware of the \$50.00 filing fee required to institute that application. Had he consulted the law or the Residential Tenancy Office, he would have discovered that the \$50.00 filing fee can be waived for qualified low income applicants.

None of the tenant's reasons establish grounds for holding otherwise than that the Notice effected a termination of this tenancy on July 31, 2013 (though the effective date in the Notice was earlier, s. 53 of the *Act* operates to automatically adjust that effective date to the earliest lawful date).

Conclusion

This tenancy ended on July 31, 2013 and the landlord is entitled to an order of possession.

I grant the landlord a monetary award of \$250.00 for the cost of the RV move. There is no claim for recovery of a filing fee. There will be a monetary order against the tenant for \$250.00

Some settlement discussion was undertaken at the hearing, but the tenant's phone ceased working. No further settlement discussion occurred and no further evidence was taken after that.

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 30, 2013

Residential Tenancy Branch

