



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties Ltd./Stonecliff Parks Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking more time to apply to cancel a notice to end tenancy and to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant.

The tenant submits that he received the landlord's 10 Day Notice to End Tenancy for Unpaid Rent on March 8, 2014 and his Application for Dispute Resolution was received by the Residential Tenancy Branch on March 10, 2014. As such, the tenant applied to dispute the Notice within 2 days of receipt.

Section 39(4) of the *Act* allows the tenant 5 days from receipt of a 10 Day Notice to file their Application for Dispute Resolution. As the tenant applied within 5 days of receipt I find the issue of more time to apply is moot and I amend the tenant's Application to exclude the matter of more time.

I note that on April 8, 2014 the landlord submitted a letter to the Residential Tenancy Branch indicating that they had been scheduled for two hearings regarding two separate tenancies for the same time period (this hearing and another file number). In this letter the landlord seeks to have one of the hearings re-scheduled.

However, the letter goes on to state that with respect to this file the landlord has acknowledged the receipt of payment and they consent to cancel the subject 10 Day Notice to End Tenancy.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Section 39 of the *Manufactured Home Park Tenancy Act (Act)*.

Conclusion

In the absence of the landlord to present any evidence regarding the reasons the 10 Day Notice to End Tenancy for Unpaid Rent was issued and based on the landlord's written submission I grant the tenant may disregard the 10 Day Notice to End Tenancy for Unpaid Rent issued by the landlord on March 7, 2014. I order the Notice is null and void..

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: April 29, 2014

Residential Tenancy Branch

