



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STONECLIFF PARK  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

The tenant applies to cancel a ten day Notice to End Tenancy dated September 2, 2014 and for recovery of her \$50.00 filing fee.

It is agreed that the amount demanded in the Notice was paid within hours after the Notice was received. By operation of s. 39(4)(a) of the *Manufactured Home Park Tenancy Act*, such payment rendered the Notice of no effect. On the face of it there was no need for the tenant to bring this application.

The tenant decided to make this application to cancel the Notice anyway, because she does not trust the landlord not to apply for an order of possession anyway. Her advocate related his opinion that it was a wise thing to do.

I commend the tenant for her caution but there is no substantive evidence before me to show such a course of conduct on the part of the landlord as to warrant it paying for that caution. The application was legally unnecessary. The tenant cannot recover her fee.

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: November 03, 2014

---

Residential Tenancy Branch

