



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vista Village Trailer Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MT; CNR; OLC; MNDC; FF

Introduction

This Hearing was scheduled to hear the Tenant's application for more time to apply to cancel a Notice to End Tenancy; to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; for an Order that the Landlord comply with the Act, regulation or tenancy agreement; for compensation for damage or loss under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing. It was confirmed that the Landlord received the Notice of Hearing documents and copies of the Tenant's documentary evidence, by registered mail, on December 8, 2014. It was also confirmed that the Tenant received the Landlord's documentary evidence, which was sent by registered mail to the rental site on December 9, 2014.

Preliminary Matters

The Tenant testified that she received the Notice to End Tenancy for Unpaid Rent on November 6, 2014, by registered mail. The Tenant filed her application to cancel the Notice on November 12, 2014. The Act requires a tenant to dispute a notice to end tenancy within 5 days of receipt of the notice to end tenancy. In this case, the Tenant was required to file her application on or before November 11, 2014. However, November 11, 2014, was a statutory holiday and therefore the deadline is extended to the next possible day that the Tenant could file her application. The Tenant filed her application on the next possible day and therefore I find that the Tenant's application for an extension of time is not required. This portion of her application is dismissed.

Issue(s) to be Decided

- (1) Should the Notice to End Tenancy be cancelled?
- (2) Should the Landlord be ordered to comply with the Act, regulation or tenancy agreement?
- (3) Is the Tenant entitled to a monetary award?

Background and Evidence

Monthly rent is \$450.00, due on the first day of each month.

The parties attended a Hearing on October 21, 2014 (the “previous hearing”) which was convened to hear the Tenant’s application for a monetary award. The decision on the previous hearing was rendered on October 28, 2014. The arbitrator found that the Tenant was entitled to compensation in the amount of \$500.00. He also made the following direction, “However, I also note that at the time of the hearing the landlord had indicated the tenant had not paid October rent and the tenant did not dispute this. As such, I find that if the tenant has failed to pay rent for October, 2014, then \$450.00 of the above noted order is satisfied and the landlord is only required to pay the tenant the \$50.00 balance.”

The Landlord issued the Notice to End Tenancy on October 22, 2014, which was before the decision on the previous hearing was rendered. The parties agreed that the Tenant has paid rent for October, November and December, 2014. The parties also agreed that the Landlord gave the Tenant a cheque in the amount of \$500.00 to satisfy the decision and order on the previous hearing. The Tenant has cashed the cheque and therefore, the Tenant no longer requires the compensation sought in this Hearing. The rent has been paid up to date and therefore I cancelled the Notice to End Tenancy issued October 22, 2014.

The parties agreed to arrange for an alternate method of paying rent, rather than by post-dated cheques. I make no Order with respect to recovery of the filing fee or that the Landlord comply with the Act, regulation or tenancy agreement.

Conclusion

The Notice to End Tenancy for Unpaid Rent issued October 22, 2014, is cancelled.

The remainder of the Tenant’s 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 *Manufactured Home Park Tenancy Act*.

Dated: December 19, 2014

Residential Tenancy Branch

