



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC; FF

Introduction

This Hearing dealt with the Tenant's Application for Dispute Resolution seeking to cancel a *One Month Notice to End Tenancy for Cause* issued August 11, 2015 (the Notice); and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

There were no issues identified with respect to service of the Notice of Hearing documents, or exchange of evidence.

Issue to be Decided

- Should the Notice be cancelled?

Background and Evidence

The Tenant owns two manufactured homes, which are both located on separate sites (62 and 63) at the manufactured home site. The Tenant resides in one of the manufactured homes (on site 63) and rents out her other manufactured home (on site 62).

The Notice given to the Tenant on August 11, 2015, is a notice to end the tenancy located at the site 63. The reason provided on the Notice is, "Tenant has assigned or sublet the rental unit/site without the landlord's written consent".

The Tenant has not assigned or sublet site 63. The Landlord acknowledged that he indicated the wrong site number on the Notice. He stated that he has filed another application on another notice to end tenancy which indicates the correct site number.

Analysis

I find that the Notice is not a valid notice to end the tenancy. There was confusion on the Tenant's part with respect to why the Landlord was seeking to end the tenancy for site 63.

Therefore, the Notice is canceled. The tenancy will continue until it is ended in accordance with the provisions of the Act.

The Tenant has been successful in her Application and I find that she is entitled to recover the cost of the \$50.00 filing fee from the Landlord. Pursuant to the provisions of Section 65(2) of the Act, the Tenant may deduct \$50.00 from rent due to the Landlord.

Conclusion

The Notice to End Tenancy issued August 11, 2015, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The Tenant may deduct **\$50.00** from future rent due to the Landlord, in recovery of the cost of the filing 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, 2015

Residential Tenancy Branch

