



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Retire West Communities Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC; FF

Introduction

This is the Tenant's Application for Dispute Resolution, made January 16, 2018 and amended on January 18, 2018, seeking to cancel a Notice to End Tenancy for Cause that was issued on October 10, 2017, and to recover the cost of the filing fee from the Landlord. The Tenant was served with the Notice on October 17, 2017.

Both parties attended the Hearing. The Landlord's agent, the Tenant and the Tenant's agent PT gave affirmed testimony. The parties were advised how the Hearing would proceed and were given the opportunity to ask any relevant questions they might have about the hearing process.

The Tenant testified that he mailed the Notice of Hearing documents, by regular mail, to the Landlord on January 17, 2018. The Landlord's agent acknowledged receipt of the documents.

Issue to be Decided

Should the Notice to End Tenancy for Cause issued October 10, 2017, be cancelled?

Background and Evidence

There were two previous Hearings with respect to this tenancy, which were referred to by both parties. One Hearing took place on August 23, 2017, and was scheduled to consider the Tenant's and the Tenant's agent's application to cancel a notice to end tenancy that was issued on June 14, 2017. The Decision for that Hearing was issued on August 23, 2017. That notice to end tenancy was cancelled.

The other previous Hearing took place on January 4, 2018, but neither party attended the Hearing. The Decision with respect to that Hearing was issued on January 5th, and dismissed the Tenant's Application with leave to reapply.

The Landlord testified that he did not get notice of the January 4th Hearing. The Tenant's agent stated that the Tenant had a "diabetic episode" and missed the January 4th Hearing. In any event, the Landlord stated that he has no intent to evict the Tenant at this time.

Analysis

The Landlord stated that he no longer wishes to evict the Tenant and the Tenant wishes to remain in the tenancy. Therefore, I cancelled the Notice to End Tenancy issued October 10, 2017, by consent. I did not hear evidence with respect to the reason that the Notice was issued.

I note that when the Tenant made his Application on January 16, 2018, his time to dispute the Notice was long overdue. The Act requires a tenant to make an application to cancel a notice to end tenancy for cause within 10 days of receiving the notice. Therefore, the Tenant's application to recover the cost of the filing fee is dismissed.

Conclusion

The Notice to End Tenancy issued October 10, 2017, is cancelled. The Tenant is not entitled to recover the cost of the filing fee from the Landlord.

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: March 15, 2018

Residential Tenancy Branch