



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes MT, CNC

Introduction

This was an application by the tenant for an order cancelling a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The tenant participated as did the landlord's representative.

Evidence and Conclusion

The landlord served the tenant with a Notice to End a Residential Tenancy. The Notice was dated July 23, 2008 and purported to end the tenancy effective August 31, 2008. The Notice was not in the approved form, as provided by section 52(e) of the *Residential Tenancy Act (Act)*. The form of Notice given by the landlord has not been used since in or about 2004. Further the form of Notice used by the landlord consists of four pages; however the landlord served only two of those pages.

The obligations of a landlord are further described in section 12(4) of the schedule to the *Residential Tenancy Regulation*; the schedule contains standard terms that form part of every tenancy agreement. Section 12(4) states:

The landlord may end the tenancy only for the reasons and only in the manner set out in the *Residential Tenancy Act* and the landlord must use the approved notice to end a tenancy form available from the Residential Tenancy office.

Because the landlord has not used the approved form of Notice to End Tenancy I direct that the Notice to End Tenancy be, and is hereby cancelled. I make no finding with respect to whether or not the landlord has established that there is sufficient cause to

end the tenancy. The landlord is at liberty to serve the tenant with a further Notice to End Tenancy in the proper form.

Dated September 16, 2008.