



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNL

Introduction

This application was made by the tenants to cancel a Two Month Notice to End Tenancy for the landlord's use of the property. The tenants were served with the Notice on the required forms. However, the landlord has not filled the forms in with the correct details. The tenant's details and the landlords address was omitted from the form. Therefore, the Two Month Notice given to the tenants on February 27, 2009 is invalid. The Notice is cancelled and the tenancy will continue.

Analysis

Section 67 of the *Residential Tenancy Act* states: Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party

Conclusion

As the tenant has been successful in setting aside the Notice, he is entitled to recover his \$50.00 filing fee for this proceeding and may deduct that amount from his next rent payment when it is due and payable to 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 *Residential Tenancy Act*

Dated: May 21, 2009.

Dispute Resolution Officer