



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

CNC & FF

Introduction

This hearing dealt with an application by the tenant disputing a one month Notice to End Tenancy for Cause under the *Act*. Both parties were present at the hearing and were provided the opportunity to present evidence and to respond to the evidence of the other party.

Analysis

This application was brought forward based on a one month Notice to End Tenancy for Cause pursuant to section 47 of the *Act*. Section 52 of the *Act* states:

In order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

Only the tenant provided a copy of the one month Notice to End Tenancy for Cause. Although it was signed by the landlord, it was not dated. Therefore the notice is not effective and must be set aside.

The tenant's application is granted. The one month Notice to End Tenancy is set aside and is without force or effect. I also grant the tenant's request to recover the \$50.00 filing fee paid for this application from the landlord. The tenant may satisfy this Order by deducting \$50.00 from the next month's rent owed to the landlord.



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Conclusion

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*.

The one month Notice to End Tenancy for Cause was not dated by the landlord and pursuant to section 52 of the *Act* it cannot be effective or relied upon.

Dated: July 20, 2009.

Dispute Resolution Officer