



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC & OLC

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally..

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a section 47 Notice to End tenancy cancelled.

Decision & Reasons

The landlord gave the tenant a letter stating that the tenant must vacate in 72 hours, and the tenant is asking to have the notice cancelled.

The Residential Tenancy Act states:

Form and content of notice to end tenancy

52 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,

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- (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.**

I have made section (e) stand out because this is the section of the Residential Tenancy Act with which the landlord has not complied. The landlord did not use the approved form as required under section 52(e) of the Residential Tenancy Act and therefore the notice is not a valid notice.

Conclusion

ORDER

I hereby order that the handwritten, improper, Notice to End tenancy dated August 5, 2009 is set aside and this tenancy continues.

I further order that the respondent/landlord, pay to the director of the Residential Tenancy Office, the filing fee of \$50.00, that was waived for the applicant.

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: September 22, 2009.

Dispute Resolution Officer