

Decision

Dispute Codes:

CNC, OLC, FF

Introduction

The tenant seeks to Cancel a One month Notice to End Tenancy for Cause (Notice to End) issued October 21, 2009 for the reason stated as: *Breach of a Material Term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.*

The tenant further seeks for the landlord to comply with the Act, and to recover the filing fee for this application.

Issue(s) to be Decided

Did the landlord have sufficient cause to end the tenancy?

Is the tenant entitled to the monetary amount claimed?

Background and Evidence

The tenancy started in December 2008.

According to the landlord and the tenant, the tenant was issued a One month Notice to end Tenancy for Cause on October 21, 2009. Almost 2 weeks later, on November 02, 2009, the tenant was given a Written Notice upon which the One Month Notice to End previously issued was based. The issue is that the tenant is keeping pets not permitted under the tenancy agreement. The tenant has not yet responded to the landlord's Written Notice to remedy the breach.

Analysis

The tenant, on this occasion has come perilously close to losing the tenancy and may currently be in breach of the tenancy agreement. The landlord has since issued the tenant with a Written Notice to correct a breach of the tenancy agreement and may be in a position to validly issue a Notice to End.

The landlord's Notice to End issued October 21, 2009, clearly was premature, as the landlord issued the Notice to End before allowing the tenant the benefit of a Written Notice to correct a breach the landlord determined was a material term of the tenancy agreement. Therefore, **I find** the Landlord did not have sufficient cause to validly issue a Notice to End on October 21, 2009.

Conclusion

I Order the landlord's Notice to End Tenancy for Cause dated October 21, 2009 is null and of no effect.

I also Order that the landlord pay the cost of the **\$50** filing fee for this application. I Order the tenant may deduct \$50 from a future rent payment.