

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain an Order to cancel a Notice to End Tenancy issued for cause and to recover filing fee from the Landlord for the cost of this application.

The Landlord, his Agent, and the Tenant appeared, provided affirmed testimony, were provided the opportunity to present their evidence orally, in written form, and in documentary form.

Issue(s) to be Decided

Is the Tenant entitled to an Order to cancel a notice to end tenancy under section 47 of the *Residential Tenancy Act*?

Background and Evidence

The Tenant testified and confirmed that the 1 Month Notice to End Tenancy for cause dated December 31, 2009, which he submitted into evidence is the notice that was served to him by the Landlord.

The Landlord's Agent testified and confirmed that her husband, the Landlord, served the Tenant with the above mentioned Notice on January 1, 2010, and the notice was not signed.

Analysis

Upon review of the 1 Month Notice to End Tenancy, I find the Notice not to be completed in accordance with the requirements of sections 47 and 52 of the Act.

Upon consideration of all the evidence presented to me, I find the Landlord has failed to prove the 1 Month Notice to End Tenancy issued on December 31, 2009, has been issued and served in accordance with the Act. Therefore I uphold the Tenant's application and Order the 1 Month Notice to End Tenancy dated December 31, 2009, is hereby cancelled.

Filing fee - \$50.00. I find that the Tenant has succeeded and I hereby award the Tenant recovery of the filing fee.

Decision

I Hereby Order that the 1 Month Notice to End Tenancy, issued on December 31, 2009, is cancelled, and is of no force or effect.

I Hereby Award the Tenant \$50.00 and grant the Tenant authority to deduct the \$50.00 from the monthly rent payable for March 2010.

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: February 12, 2010.

Dispute Resolution Officer