

DECISION

Dispute Codes:

CNC, FF

Introduction

The tenant has applied to cancel a Notice ending tenancy for cause and for filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants.

Issue(s) to be Decided

Is the Notice ending tenancy issued on June 3, 2010, of any force or effect?

Is the tenant entitled to filing fee costs?

Background and Evidence

The tenant submitted a copy of a Notice to End Residential Tenancy issued by the landlord on June 3, 2010. The landlord did not have a copy with him. The Notice indicated that the tenant has been given Notice under section 36 of the Act, in which the tenant or her guests have unreasonably disturbed other occupants.

The Notice issued by the landlord was on a form from January 1998.

Section 52 of the Act provides:

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,*
- (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.*

Analysis

The Notice issued by the landlord is not in the approved form. The Notice ends the tenancy under a section of the Act that no longer applies. A Notice ending a tenancy for cause must be issued on section 47 of the Act. As the Notice does not meet the requirements of section 52 of the Act, I find that the Notice of no force or effect.

As the tenant's Application has succeeded I find that the tenant is entitled to filing fee costs and she may deduct \$50.00 from the next month's rent owed.

Conclusion

As the Notice issued by the landlord does not meet the requirements of section 52 of the Act; I find that the Notice is of no force or effect.

This tenancy shall continue until it is ended as provided by the Act.

The tenant is entitled to filing costs. The tenant may deduct \$50.00 from the next month's rent owed.

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: July 19, 2010.

Dispute Resolution Officer