



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF, O

Introduction

A substantial amount of 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 and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a Section 47, 1 month Notice to End Tenancy cancelled, and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

On June 8, 2010 the landlord served the tenant with a 1 month Notice to End Tenancy which did not have any reasons for ending the tenancy crossed off on the notice, the landlord had instead added a typewritten page which stated "We are giving you this notice to vacate the rental unit. The landlord needs this property for personal use".

The tenant is asking that this notice be cancelled as it is not the proper 2 month Notice to End Tenancy for landlord use of property.

The landlord stated that when they gave the notice they did not believe a two months notice form was required, because there was no written tenancy agreement and therefore since they

wanted to the tenant out in approximately 1 month they used the one month Notice to End Tenancy form.

Analysis

Even if there is no written tenancy agreement, landlords and tenants must comply with the Residential Tenancy Act, and if the landlord wants to end the tenancy for landlord use they are required to give a two month Notice to End Tenancy on the required form.

In this case the tenancy does exist, because the landlord has accepted rent from the tenant.

Therefore since the one month Notice to End Tenancy that was given to the tenant is not a proper notice for landlord use, I find in favour of the applicant.

Conclusion

The section 47, 1 month Notice to End Tenancy dated June 8, 2010 is hereby cancelled and this tenancy continues.

I further order that the respondent landlord bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution, and therefore the tenant may make a one-time deduction of \$50.00 from future rent payable to the landlord.

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: August 10, 2010.

Dispute Resolution Officer