



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the Tenants' application to cancel a Notice to End Tenancy for Unpaid Rent.

Tenant BH and two Agents for the Landlord appeared and were affirmed into the hearing.

Issue(s) to be Decided

Is the 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") issued to the Tenants valid and enforceable?

Background and Evidence

On November 5, 2010 the Landlord issued the Notice to the Tenants with an effective move out date of November 15, 2010. The Landlord's Agent testified that the Notice was served by posting on the door and I note that the Tenants file for dispute resolution within the time required under the Act.

The Tenants submitted into evidence a copy of the Notice and upon inquiry, the Landlord's Agent affirmed that the Notice issued to the Tenants was not signed by the Landlord.

The parties were informed that section 52 (a) of the Act requires a notice to end tenancy to be signed by the landlord or tenant giving the notice.

The Landlord's Agents were informed and understood that the Notice issued on November 5, 2010 is invalid and unenforceable.

Both parties were informed that the tenancy continues but the Landlord is at liberty to issue a Notice to End Tenancy that complies with the requirements of the Act.

Analysis

Upon review of the Notice to End Tenancy issued by the Landlord on November 5, 2010, I found it to be invalid and unenforceable as it is not signed by the Landlord, as required under the Act.

Based on these findings, I find that the 10 Day Notice to End Tenancy issued in this matter is not valid for failure to comply with the Act and I **order** it to be **cancelled**. The Notice is of no force or effect and the tenancy will continue until ended in accordance with the *Act*.

Conclusion

The Landlord's 10 Day Notice to End Tenancy is not valid for failure to comply with the Act; therefore, the Tenants are granted an order dismissing the Notice to End Tenancy.

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: December 02, 2010.

Dispute Resolution Officer