



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC, OPT

Introduction

This matter dealt with an application by the tenants to apply for more time to cancel a Notice to End Tenancy, to cancel a Notice to End Tenancy for cause, and to obtain an Order of Possession for the rental unit.

Service of the hearing documents was done in accordance with section 89 of the *Act*. The landlord confirmed receipt of the hearing package from the tenants.

Both parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in written form, documentary form, and make submissions to me.

Issues(s) to be Decided

- Is more time required to cancel the Notice to End tenancy?
- Are the tenants entitled to cancel the Notice to End Tenancy?
- Are the tenants entitled to an Order of Possession for the rental unit?

Background and Evidence

The landlords state the tenants were served with a One Month Notice to End Tenancy for cause. This Notice was served to the tenants on October 30, 2010 and has an effective date of November 30, 2010. The landlord has not checked any of the reasons

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on the Notice to end the tenancy. The landlords state the tenants have bedbugs in their unit and this is the reason the One Month Notice was given. The landlords state a letter accompanied the Notice which informs the tenants that evidence of bedbugs were found in their unit and the landlords have provided a copy of this letter in evidence.

The tenants filed to dispute the Notice on November 10, 2010. The 10th day after they received the Notice. The tenants seek to cancel the Notice and to gain an Order of Possession of the rental unit.

Analysis

With regard to the tenants application for more time to cancel the Notice to End tenancy; the tenants have 10 days from the date they received the Notice to file an application to cancel it. The tenants filed their application on the 10th day therefore the do not require more time to cancel the Notice.

With regard to the One Month Notice to End Tenancy; when a landlord gives a tenant a Notice to end their tenancy for cause under section 47 of the *Act*, they must state on the Notice the grounds for ending the tenancy. In this case I find the landlords have not stated the grounds for ending the tenancy on the Notice and consequently this renders the Notice invalid pursuant to section 52(d) of the *Act* which deals with form and content of notice to end tenancy. Therefore the Notice is cancelled and the tenancy will continue.

With regard to the tenant's application for an Order of Possession of the rental unit; as the Notice has been cancelled the tenants remain in possession of the rental unit and no further Orders are required for their possession at this time.



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Conclusion

The tenant's application is allowed. The one Month Notice to End Tenancy for Cause dated October 30, 2010 is cancelled and the tenancy will continue.

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 03, 2010.

Dispute Resolution Officer