



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This matter dealt with an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated October 31, 2010.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

The Landlord said that on October 31, 2010 she served the Tenant in person with One Month Notice to End Tenancy for Cause dated October 31, 2010. The Landlord did not provide a copy of the Notice as evidence at the hearing. On her application, the Tenant claimed that the Notice alleged the following grounds:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord;
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord; and
- put the landlord's property at significant risk.

Analysis

In this matter, the Landlord has the burden of proof and must show (on a balance of probabilities) that she served the Tenant with an enforceable notice and that grounds exist (as set out on the Notice to End Tenancy) to end the tenancy.

Section 52 of the Act says that in order to be effective, a notice to end 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,



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- (d) state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form

In the absence of a copy of the One Month Notice to End Tenancy for Cause dated October 31, 2010, I find that there is insufficient evidence to conclude that it complies with s. 52 of the Act and therefore I find that there is insufficient evidence that it is an enforceable notice. Consequently, the One Month Notice to End Tenancy for Cause dated October 31, 2010 is cancelled.

Conclusion

The Tenant's application is granted. The One Month Notice to End Tenancy for Cause dated October 31, 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 01, 2010.

Dispute Resolution Officer