



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a 2 Month Notice to End Tenancy for the Landlord's use of property.

The Tenant and the Landlord appeared, both ready to proceed with the hearing.

Preliminary Issues

The parties were questioned about the submission of a copy of the 2 Month Notice to End Tenancy and both acknowledged that one had not been provided into evidence, although the Tenant stated she had brought a copy to the Residential Tenancy Branch office.

Issue(s) to be Decided

Has the Landlord proven the reason listed on the Notice to End Tenancy?

Background and Evidence

The subject of this dispute is a *2 Month Notice to End Tenancy for Landlord's Use of Property*.

The Notice was not submitted into evidence by either party.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

The purpose of serving documents under the Residential Tenancy Act (the "Act") is to notify the person being served of their breach and notification of their rights under the

Act in response. The Landlord is seeking to end the tenancy due to this breach and has the burden to prove the reason indicated on the Notice.

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 52 of the Act. Without a copy of the Notice to End Tenancy that the Landlord served on the Tenant, I cannot conclude that the Notice is effective and therefore enforceable.

I therefore find that the Landlord had insufficient evidence to show the Tenant was issued a valid 2 Month Notice to End Tenancy.

I further find that the Tenant has submitted insufficient evidence to support her application, and I dismiss the application, with leave to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, with leave to reapply.

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: June 27, 2011.

Residential Tenancy Branch