



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This matter dealt with an application by the Tenants to cancel a One Month Notice to End Tenancy for Cause dated August 8, 2011.

Issue(s) to be Decided

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

Background and Evidence

This tenancy started on May 1, 2011. On or about August 8, 2011, the Landlord served the Tenants with a One Month Notice to End Tenancy for Cause dated August 8, 2011. Neither Party submitted a copy of this Notice as evidence at the hearing.

Analysis

Section 47(1) of the Act says that if one of the listed grounds applies, a Landlord may end a tenancy by giving a Tenant a One Month Notice to End Tenancy for Cause. Section 47(3) of the Act says that a Notice to End Tenancy must comply with s. 52 of the Act. Section 52 of the Act says that in order for a Notice to End Tenancy (given by a Landlord) to be effective, it must be in the approved form and comply with other criteria listed in that section.

In this matter, the Landlord has the burden of proof and must show (on a balance of probabilities) that grounds exist (as set out on the Notice to End Tenancy) to end the tenancy. This means that the Landlord must provide a copy of the One Month Notice to End Tenancy for Cause at the hearing and prove that it is an effective notice (or that it complies with s. 52 of the Act). However, the Landlord did not provide a copy of the One Month Notice to End Tenancy dated August 8, 2011 at the hearing and therefore I find that there is insufficient evidence to determine if it is a valid notice.

Conclusion

The Tenants' application is granted and the One Month Notice to End Tenancy for Cause dated August 8, 2011 is cancelled. 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: September 20, 2011.

Residential Tenancy Branch