

## **DECISION**

**Dispute Codes**      CNL, OLC, MNSD, FF

This is an application filed by the Tenant to cancel a notice to end tenancy for Landlord's use of the property, a monetary order for the return of the security deposit and an order for the Landlord to comply with the Act, regulation or tenancy agreement and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

At the beginning of the hearing the Tenant clarified the application as the Tenant and Landlord have both failed to provide a copy of the notice to end tenancy for Landlord's use. The Tenant has filed late evidence on November 3, 2011 for this hearing dated November 7, 2011. The Landlord has filed no evidence. The Landlord has confirmed that the form used is an old one issued in 2003. The Tenant's agent, C.V. has cited that the limitation periods allowed are different from what is allowed in the Act. Both parties have confirmed that the notice dated September 26, 2011 allows 15 days instead of the 10 days to dispute the notice. I find that the Landlord's notice is flawed and is unenforceable. The Landlord's notice to end tenancy for Landlord's use is set aside and the Tenancy shall continue.

The Tenant's application for the return of security deposit is premature as the Tenancy is ongoing and is dismissed.

The Tenant's application for the Landlord to comply with the Act is withdrawn as the Tenant has failed to provide any details of this claim in his application or to the Landlord. The Tenant's claim for recovery of the filing fee is dismissed.

## **Conclusion**

The Tenant's application is dismissed.

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: November 07, 2011.

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Residential Tenancy Branch