



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF, RPP

### Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an order to cancel a Notice to End Tenancy, and a request for an order for the return of the tenant's personal property.

### Background and Evidence

The applicant testified that:

- The landlord served the tenant with a Notice to End Tenancy on an outdated form and did not even serve the complete form and therefore they are asking that the notice be cancelled.
- The tenant's husband moved out of the rental unit and took all of the tenants the belongings and therefore they want an order for the return of those belongings.
- The tenant's husband owns the rental property along with his two brothers who are now the tenant's landlords.

Analysis

The Notice to End Tenancy that the landlord served on the tenant is not in the form required by the Residential Tenancy Act, and therefore is not a valid Notice to End Tenancy.

I have no jurisdiction over the request for the return of the tenants property however because that is a family matter between a husband and wife, over which the Residential Tenancy Act has no jurisdiction.

Conclusion

The Notice to End Tenancy dated November 7, 2011 is hereby cancelled and this tenancy continues. I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct \$50.00 from future rent payable to the landlord.

I declined jurisdiction over the claim for the return of personal property.

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 12, 2011.

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Residential Tenancy Branch