



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 November 22, 2011.

At the beginning of the hearing, the Landlord claimed that she served one of the Tenants in person approximately one week ago with an evidence package that contained a letter to the Residential Tenancy Branch, a warning letter to the Tenants dated September 6, 2011, a copy of the Notice of Dispute Resolution Hearing and the One Month Notice. The Tenants denied that they were served with an evidence package by the Landlord. The Landlord also claimed that she provided a copy of the One Month Notice as evidence at the hearing, however I find on a balance of probabilities that she did not. In particular, I note that in the Landlord's cover letter to the Residential Tenancy Branch she refers only to the warning letter to the Tenants and the Notice of Dispute Resolution Hearing.

Section 52 of the Act says that in order to be enforceable, a Notice to End Tenancy when given by a Landlord must be in writing, signed and dated, give the address of the rental unit, state the effective date of the Notice and be in the approved form. In the absence of a copy of the One Month Notice, I find that there is insufficient evidence to conclude if it complies with s. 52 of the Act. As a result, I grant the Tenants' application to cancel the One Month Notice to End Tenancy for Cause dated November 22, 2011. This means that if the Landlord wishes to end the tenancy, she will have to re-serve the Tenants with a new One Month Notice to End Tenancy for Cause.

Conclusion

The Tenants' application is granted. The One Month Notice to End Tenancy for Cause dated November 22, 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: December 13, 2011.

Residential Tenancy Branch