



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC; ERP; RP

Introduction

This hearing dealt with the Tenants' application cancel a *Ten Day Notice to End Tenancy for Unpaid Rent or Utilities* (the Notice) issued October 26, 2011 and for an Order that the Landlord make emergency and regular repairs to the rental unit.

The parties gave affirmed testimony at the Hearing.

Preliminary Matter

A copy of the Notice was provided in evidence. It is not signed by the Landlord. Section 52(a) of the Act states:

Form and content of notice to end tenancy

52 In order to be effective, a notice to end a tenancy must be in writing and must

(a) be signed and dated by the landlord or tenant giving the notice,

Therefore, I find that the Notice issued October 26, 2011 is not an effective Notice and it is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The parties indicated an interest in coming to an agreement with respect to the remainder of the Tenant's application and asked for more time to consider options. Therefore, the remainder of the Tenants' application is dismissed **with leave to reapply**.

Conclusion

The Notice to End Tenancy issued October 26, 2011, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The remainder of the Tenants' application is dismissed **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: November 25, 2011.

Residential Tenancy Branch