



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This conference call hearing was convened in response to the tenant's application for a cancellation of a Notice to End Tenancy.

Both parties attended the hearing. In his documentary evidence the landlord provided a copy of the Notice to End Tenancy that he served on the tenant, and stated that he retrieved the form from old documents in his desk.

Section 46(2) of the Act states that; a notice must comply with section 52 *[form and content of notice to end tenancy]*. Section 52 of the *Residential Tenancy Act* provides in part that in order to be effective, a notice to end tenancy must be in the approved form.

The landlord completed a notice that is outdated and no longer approved by the Residential Tenancy Branch, as the relevant provisions of the Residential Tenancy Act referred to in the notice have changed and no longer correspond to the current sections of the Act.

Therefore in that context I find that the tenant was not properly served pursuant to the Act, and I declare the notice of no effect.

Conclusion

The tenant's application is upheld and the tenancy will continue. The landlord may issue the tenant with a new Notice to End Tenancy compliant with statute.

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: January 10, 2012

Residential Tenancy Branch