



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel and notice to end tenancy.

Although served with the Application for Dispute Resolution and Notice of Hearing on February 10, 2012, in person, which was witness, the landlord did not appear. I find that the landlord has been duly served in accordance with the Act.

The tenant appeared, gave testimony and was provided the opportunity to present his evidence orally and in written and documentary form and make submissions to me.

Issue(s) to be Decided

Should the notice to end tenancy issued on February 7, 2012 be cancelled?

Background and Evidence

The tenancy began on April 1, 2009. Rent in the amount of \$475.00 was payable on the first of each month. A security deposit of \$225.00 was paid by the tenant.

The tenant testified that on February 7, 2012, the landlord hand wrote him a note. The note says this is your notice to vacate the rental unit by February 29, 2012. Filed in evidence is a copy of the note given to the tenant dated February 7, 2012. The tenant disputed the validity of the notice to end tenancy.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 52 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,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,

(d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and

e) when given by a landlord, be in the approved form.

I find the note written by the landlord to end tenancy dated February 7, 2012, is not in the approved form required under the Act. As a result, the note to end tenancy is not valid and has no force or effect. Therefore, the tenant's application is granted and the notice to end tenancy issued on February 7, 2012, is cancelled and the tenancy will continue until legally ended in accordance with the Act.

Conclusion

The tenant's application is granted and the notice to end tenancy issued on February 7, 2012, is cancelled and the tenancy will continue until legally ended in accordance with the Act.

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: March 02, 2012.

Residential Tenancy Branch