



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenants' application to cancel a Notice to End Tenancy for Cause. The landlord did not appear at the hearing. The female tenant appeared and testified that she and the co-tenant personally served the landlord with the hearing documents at his residence on February 29, 2012. In the absence of any evidence to the contrary, I accepted that the landlord was served with notice of this hearing and I proceeded to hear the tenant without the landlord present.

Issue(s) to be Decided

Did the landlord issue a proper Notice to End Tenancy?

Background and Evidence

The tenant submitted that a month-to-month tenancy commenced September 1, 2011 and the tenants pay rent of \$650.00 on the 1st day of every month. After verbally informing the landlord in February 2012 that they would be vacating the rental unit April 1, 2012 the landlord responded by serving the tenants with an undated typed letter instructing them to vacate by March 15, 2012. The tenants filed this application seeking to have the landlord's letter set aside.

The tenants did not provide a copy of the landlord's letter as evidence. This decision is based upon the tenant's undisputed verbal testimony.

Analysis

Where a landlord wishes to end a tenancy for one of the reasons permitted under the Act, the landlord is required to serve the tenants with a Notice to End Tenancy that is in the approved form. Upon hearing from the tenant, I accept that the document given to the tenants by the landlord is not a Notice to End Tenancy in the approved form. Therefore, the letter is of no effect and does not end the tenancy.

Conclusion

The landlord's letter to the tenants requiring them to vacate the rental unit March 15, 2012 is of no force or effect and does not end the tenancy. As a result the tenancy continues until such time it legally ends.

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 15, 2012.

Residential Tenancy Branch