



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Background

This hearing dealt with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause (the "Notice").

The tenant contended that the Notice, dated February 19, 2012, was invalid as he was served with only page 1 of the 2 page document. Due to this omission, the tenant contended he was unaware of his rights under the Residential Tenancy Act (the "Act") listed on the 2nd page, as he later found out.

The parties were affirmed and the tenant's advocate testified that she served the landlord with the Notice of Hearing and application via registered mail on March 16, 2012; thus the hearing proceeded.

The landlord's agent did appear at the hearing seven minutes after the hearing had begun and announced that there was no need for a hearing as he had rescinded the Notice and issued the tenant a new Notice to End Tenancy, on March 22, 2012.

When questioned, the tenant acknowledged receiving the Notice and not informing his advocate that he had served with a new Notice.

Conclusion

Section 52 of the Act states that in order to be effective, a Notice to end the tenancy must be in the approved form. In this case, the Notice is a 2 page document and both pages are required to be served upon the tenant.

Additionally, the landlord requested that the Notice be withdrawn.

Due to the above, I find the 1 Month Notice to End Tenancy for Cause dated February 19, 2012, is invalid and of no force or effect.

I hereby **cancel** the landlord's Notice, with the effect that this tenancy continues until it may otherwise end under 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 29, 2012.

Residential Tenancy Branch