



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNC, OPT

### Introduction

This hearing was convened by way of conference call in response to an application made by the tenant for an order allowing the tenant more time to make an application to cancel a notice to end tenancy, for an order cancelling a notice to end tenancy for cause, and for an Order of Possession of the rental unit or site.

The tenant and the landlord attended the conference call hearing, and the tenant provided evidentiary material in advance of the hearing. No issues with respect to service of documents were raised.

All evidence has been reviewed and is considered in this Decision.

### Issue(s) to be Decided

Is the tenant entitled to an order cancelling a notice to end tenancy for cause?  
Is the tenant entitled to an Order of Possession of the rental unit or site?

### Background and Evidence

The parties agree that the tenant was served with a 1 Month Notice to End Tenancy for Cause on July 26, 2012. A copy of the notice was provided for this hearing, however it contains no signature of the landlord, which is not disputed by either party.

### Analysis

The *Residential Tenancy Act* states:

**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.

Therefore, I find that the notice issued to the tenant is not valid and must be cancelled.

With respect to the tenant's application for an Order of Possession of the rental unit, I find that the tenant already has possession of it and such an order is not required. The tenant's application for an Order of Possession as it relates to the notice to end tenancy issued on July 26, 2012 is hereby dismissed without leave to reapply.

### Conclusion

For the reasons set out above, the tenant's application for more time to make an application to cancel a notice to end tenancy is hereby allowed.

I further order that the notice to end tenancy issued by the landlord on July 26, 2012 is hereby cancelled and the tenancy continues.

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: September 21, 2012.

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Residential Tenancy Branch