



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking an order of possession for cause, and to recover the filing fee.

The tenant and an agent for the landlord (the "agent") appeared at the hearing, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issue to be Decided

- Is the landlord entitled to an order of possession under the *Act* or should the notice be cancelled?

Analysis and Conclusion

At the start of the hearing, the 1 Month Notice to End Tenancy for Cause (the "Notice") was reviewed with the parties. Both parties were advised that the Notice had not been signed by the person who issued the Notice. As a result, the Notice must be cancelled as it is not a valid Notice in accordance with section 52 of the *Act*.

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.

[emphasis added]

Given that the landlord failed to sign the Notice, **I cancel** the Notice. **I order** that the tenancy continues until ended in accordance with the *Act*.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 24, 2012

Residential Tenancy Branch