



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF

Introduction

The landlord applied requesting an Order of possession and to recover the filing fee costs from the tenants.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

The male tenant was served notice of the hearing, sent via registered mail on September 25, 2012. A copy of the Canada Post receipt and tracking number was supplied as evidence. Therefore, the male tenant is deemed to have been served with Notice of the hearing on the 5th day after mailing to his rental unit address.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause?

Is the landlord entitled to recover the filing fee costs?

Finding

The landlord and tenant agreed that a Notice to End Tenancy in the approved form was not given to the tenants. The tenants had been given a note telling them the tenancy was to end.

As a Notice in the proper form, as required by the Act, was not given to the tenants, I determined that the application would be dismissed. An Order of possession is based on a Notice to End tenancy issued in the approved form, and, as a proper notice was not served to the tenants, the tenancy will continue until it is ended in accordance with the Act.

I have enclosed a copy of the *Guide for Landlords and Tenants in British Columbia* for each party.

Conclusion

The application is dismissed. The tenancy will continue until it is ended in accordance with the Act.

This decision is final and binding on the parties, unless 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: October 29, 2012.

Residential Tenancy Branch