



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a Notice to end tenancy issued for landlord's use of the property.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue(s) to be Decided

1. Has a valid 2 Month Notice to end tenancy been issued to the Tenant?

Background and Evidence

The parties affirmed they entered into a written tenancy agreement that began on May 1, 2012. Rent is payable on the first of each month in the amount of \$490.00 and prior to May 1, 2012 the Tenant paid \$200.00 as the security deposit.

The Tenant confirmed that she had submitted the original 2 Month Notice into evidence which she received on August 28, 2012 under her door. She acknowledged that this Notice was not signed by the Landlord.

The Landlord confirmed that she served the Tenant the Notice on August 28, 2012 when she placed it under her door.

I explained to the parties that in order for a Notice to be valid it must be signed by the issuer. The Landlord responded arguing that obviously the Tenant felt it was valid because she applied to have it cancelled and therefore it should be considered valid.

Analysis

Section 52 of the *Act* stipulates that in order to be effective, a notice to end a tenancy issued by a landlord must be (a) signed and dated by the landlord; (b) give the address of the rental unit, (c) state the effective date of the notice, (d) state the grounds for ending the tenancy, and (e) be in the approved form.

Upon review of the 2 Month Notice to End Tenancy issued August 28, 2012, I find the Notice not to be completed in accordance with the requirements of the *Act* as it was unsigned. Accordingly, I find the 2 Month Notice to be invalid and I uphold the Tenants application to cancel the Notice.

Conclusion

The 2 Month Notice to End Tenancy for Landlords Use issued August 28, 2012, is HEREBY VOID, and is of no force or effect.

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: October 17, 2012.

Residential Tenancy Branch