



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a Notice to End Tenancy for Cause (the "Notice") issued on August 31, 2012.

Both parties appeared, 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 at the hearing

Preliminary Issue

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.]

In this case, the notice does not state the grounds for ending the tenancy as required by the Act, as a result the notice is of no force or effect.

Settlement Agreement

During the hearing, the parties agreed to settle the matter of tenancy, on the following conditions:

- 1) The parties agreed to mutually end the tenancy, effective November 30, 2012, at 1:00 p.m.;
- 2) The landlord is granted an order of possession, effective on the above date.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

The tenants are cautioned that the landlord is at liberty to apply to end tenancy early under Section 56(1) of the Act, if the tenants engage in any activity as stated in Section 56(2) of the Act.

Conclusion

As a result of the settlement agreement, the landlord is granted an order of possession.

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 15, 2012.

Residential Tenancy Branch