



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Northern Property Limited Partnership & Northern Property REIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application to cancel a Notice to End Tenancy that was given for landlord use and a request for recovery of the \$50.00 filing fee.

Background and Evidence

On January 28, 2013 landlord served the tenant with a two month Notice to End Tenancy for landlord use.

The address given on the Notice to End Tenancy is not the correct address for this rental unit.

Analysis

Section 52 of the Residential Tenancy Act states:

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, (my highlighting)**
- (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.

In this case the notice does not give the correct address of the rental unit, and therefore the notice to end tenancy is not a valid notice.

Conclusion

The notice to end tenancy dated January 28, 2013 is hereby canceled as it is not in the correct form, and this tenancy continues.

I further order that the respondent's bear the \$50.00 cost of the filing fee and I have issued a monetary order in that amount.

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: March 04, 2013

Residential Tenancy Branch

