



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Chishaun Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

This matter was scheduled for a conference call hearing at 9:30 a.m. on this date. Both parties participated in the teleconference. The tenant made an application to have a One Month Notice to End Tenancy for Cause set aside. When a landlord issues a notice for cause they must prove the basis for the issuance of that notice. After examining the notice closely it became clear it had some deficiencies. The notice issued from the landlord to the tenant was a copy of the notices used back in 1996. The section numbers do not correlate with today's legislation and section numbers. In regards to notice, the Act is very clear and section 52 outlines it as follows:

### **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**.

The landlord acknowledged the oversight. Based on the above I find that the One Month Notice to End Tenancy for Cause is of no effect or force and is hereby set aside.

The landlords' son participated in the hearing and assured the landlord that steps have been taken to rectify any future issues and is committed in working with the landlord to ensure a successful tenancy for his father. The parties were encouraged to continue discussions.

The tenant has been successful in his application. The Notice is set aside. The tenancy continues.

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: April 29, 2013

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Residential Tenancy Branch