



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WS Bernard Investments Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to the tenant's application to cancel a One Month Notice to End Tenancy for cause.

The tenant and landlord attended the conference call hearing and gave sworn testimony. The tenant provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The parties confirmed receipt of evidence. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Issue(s) to be Decided

Is the tenant entitled to have the One Month Notice cancelled?

Background and Evidence

The parties agree that this tenancy started on January 01, 2012. The landlord testifies that the tenant was served a One Month Notice to End Tenancy for cause because the tenants neighbours complained that the tenant had disturbed them.

The tenant has provided a copy of this Notice in evidence and testifies that she does not know what complaints the landlord seeks to evict the tenant on as nothing is indicated on the One Month Notice.

Analysis

I have reviewed the evidence before me including the One Month Notice to End Tenancy. Page two of this Notice provides reasons for the landlord to check to indicate which reason or reasons the landlord seeks to end the tenancy. In this case the landlord has not checked any reasons and page two does not inform the tenant why the landlord wants to end the tenancy. In Order for a Notice to be valid it must be complete. A tenant has a right to know what reasons a landlord gives to evict the tenant so the tenant can provide evidence to dispute the Notice.

It is my decision that the One Month Notice is incomplete and therefore is not valid.

Conclusion

The tenant's application is allowed. The one Month Notice to End Tenancy for Cause dated, November 20, 2013 is cancelled and the tenancy will continue.

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: January 27, 2014

Residential Tenancy Branch

