



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This is an application filed by the Landlord for an order of possession.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed that no documentary evidence was submitted by either party other than a copy of the 1 month notice to end tenancy issued for cause by the Landlord, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

Both parties agreed that the Landlord served the Tenant with a 1 month notice to end tenancy issued for cause dated October 23, 2014. The Tenant confirmed that he received the notice on October 23, 2014 in person from the Landlord, K.S. Both parties agree that there is one reason for cause listed as, "for personal use" which was handwritten onto the notice by the Landlord. The Landlord stated that they wished to occupy the rental unit themselves.

The Tenant states that he is willing to comply with a proper 2 month notice to end tenancy if he is served with one in the proper form. The Landlord confirmed that he issued the wrong notice.

Analysis

I find based upon the direct testimony of both parties that the Landlord has failed to use the proper form in ending the tenancy with the Tenant. The Landlord should have used

the proper form #RTB-32, a 2 month notice to end tenancy for Landlord's use of property under section 49 of the Residential Tenancy Act. The Landlord's Application for an order of possession based upon the notice dated October 23, 2013 is dismissed.

Conclusion

The Landlord's Application is dismissed.

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, 2014

Residential Tenancy Branch

