



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This is an application brought by the Tenant requesting an order canceling a Notice to End Tenancy that was given for landlord use.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 11, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to uphold or cancel a two month Notice to End Tenancy.

Background and Evidence

The tenant testified that on June 1, 2015 she was personally served with a two month Notice to End Tenancy for landlord use property; however the landlord had failed to put any reasons on the notice.

The tenant is therefore requesting that the Notice to End Tenancy be canceled as she has no idea why it has been given.

Analysis

Section 52 of the Residential Tenancy Act states:

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.

In this case, since this notice has not been given under section 45, the landlord was required to state the grounds for ending the tenancy and since the landlord has failed to do so it is my finding that this is an improper notice.

Conclusion

The 2 month Notice to End Tenancy dated May 31, 2015 is hereby canceled and this 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: July 30, 2015

Residential Tenancy Branch

