



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hudson Mews Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy – Section 46; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenants were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy effective to end the tenancy?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The Tenants provided a copy of a 10 day notice to end tenancy for unpaid rent (the “Notice”) given to them from the Landlord. The Landlord confirmed that the Notice was not signed by the Landlord.

Analysis

Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be signed by the party ending the tenancy. As the Notice was not signed by the Landlord the Notice does not have any effect. As a result I find that the Tenants are entitled to a cancellation of the Notice. The tenancy continues. As the Tenant has been

successful with its application I find that the Tenant is entitled to recovery of the \$50.00 filing fee and the Tenants may deduct this amount from future rent payable in full satisfaction of the entitlement.

Conclusion

The Notice is cancelled and the tenancy continues. I grant the Tenant an order under Section 67 of the Act for **\$50.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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 02, 2015

Residential Tenancy Branch

