



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

This hearing dealt with an application by the tenant for an order setting aside a 1 Month Notice to End Tenancy for Cause. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service, and having served evidence in support of the notice, the landlord did not appear.

Section 52 of the *Residential Tenancy Act* provides that in order to be effective a notice to end tenancy given by landlord must, among other things, be in the approved form. The notice to end tenancy served on the tenant by the landlord is many years out of date. In fact, it refers to the previous *Residential Tenancy Act*. As the notice is not in the approved form it has no legal effect. The tenant's application is granted. The notice is set aside and the tenancy continues until ended in accordance with the legislation.

As explained to the tenant and his advocate in the hearing this decision does not prevent the landlord from serving a new notice to end tenancy in the approved form if the landlord feels that he has grounds for ending this tenancy.

As the tenant was successful on his application he is entitled to reimbursement from the landlord of the \$50.00 he paid to file it. Pursuant to section 72(2) this amount may be deducted from the next rent payment due to the landlord.

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: December 03, 2015

Residential Tenancy Branch

