



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, O, FF

Introduction

This is an application brought by the tenant requesting an Order canceling a Notice to End Tenancy given for cause, requesting an Order for the landlord to comply with the act, and requesting recovery of the filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The main issue I dealt with is whether or not a letter given to the tenant is considered to be a Notice to End Tenancy.

Background and Evidence

The tenant testified that the landlord gave her a letter on November 26, 2015 which she understood to be an eviction notice, and she is just asking for more time to find a suitable place for her to move to.

The landlord testified that the letter he gave was not in eviction notice; it was simply a warning letter to both her and one of the other tenants, asking them to stop their disruptive behavior and stating that if the behavior does not change an eviction notice will be served.

Analysis

I have reviewed the evidence provided and it is my finding that the landlord is correct, the letter he gave to the tenant is not an eviction notice and she is not required to move because of that letter.

Therefore, since no eviction notice has been giving to the tenant this application for dispute resolution was not required and this tenancy continues until either the landlord or the tenant does serve the other with a valid Notice to End Tenancy.

Since the landlord had not served the tenant with the Notice to End Tenancy and no application for dispute resolution was required, I Order that the tenant must bear the \$50.00 cost of the filing fee she paid.

Conclusion

The tenant's application for dispute resolution was not required as no Notice to End Tenancy had been issued, and therefore I have issued no Orders other than an Order for the tenant to bear the cost of the filing fee.

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 25, 2016

Residential Tenancy Branch

