



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *O, FF*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for “other” and for the recovery of the filing fee. The tenant explained that he had applied to continue to reside at the rental unit after having received a letter from his landlord asking him to move out.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The landlord acknowledged receipt of evidence submitted by the tenant and stated that he had not served his evidence on the tenant. The landlord’s evidence was received in the Residential Tenancy Branch Office the day before this hearing. Since the tenant was not served with the evidence of the landlord, this evidence was not used in the making of this decision. Both parties gave affirmed testimony.

Issues to be decided

Did the landlord serve a valid notice to end tenancy on the tenant? Is the tenant entitled to a monetary order to recover the filing fee?

Background and Evidence

The tenant testified that on May 02, 2016 he received an email from the landlord requesting him to move out by June 30, 2016. The landlord did not use the approved form which is a two page form and contains information on what recourse the tenant has and what steps he must take if he wants the tenancy to continue.

Analysis

Section 52 of the *Residential Tenancy Act* states that in order to be effective, a notice to end a tenancy must be in writing and when given by a landlord to a tenant, must be in the approved form.

In this case, the landlord served the tenant with an email informing him that the tenancy would be ending due to complaints received by the strata from the other occupants of the building, regarding the activities of the tenant. Since the notice was not in the approved form, I find that the notice was not valid and therefore, I set it aside. The tenancy will continue.

The tenant had not received a formal notice to end tenancy in the approved format and therefore did not have to make application to dispute it. Accordingly, the tenant must bear the cost of filing this application.

Conclusion

The tenant'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: August 03, 2016

Residential Tenancy Branch

