



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, RP, RR, O

Introduction

The tenants apply to cancel a one month Notice to End Tenancy for cause dated January 25, 2017. They also seek relief in the nature of compliance orders, a monetary award and rent reduction alleging that the refrigerator does not, that there is no electricity in part of the rental unit and that the dishwasher does not work.

The Notice in question does not indicate the “reasons” under which it has been given, that is, no box in the standard form #RTB33 has been checked. Under the form’s box provided for “DETAILS OF CAUSE” the landlord refers to submissions disputing the length of the fixed term of the tenancy.

Landlord’s counsel was directed to the fact that a tenant receiving such a Notice must be informed by it as to what provision of s. 47 of the *Residential Tenancy Act* (the “Act”) is being relied on by the landlord as the basis for ending the tenancy. Additionally, a dispute about the length of the fixed term of a tenancy is not a listed ground for giving a one month Notice under s. 47.

As a result, the Notice was cancelled summarily as being bad on its face, without the need to hear evidence.

Similarly, it was determined that the landlord is obliged to investigate the tenants’ complaints that a) the refrigerator is not working, b) that there is no power to part of the suite, and c) that the dishwasher is not working.

I direct that the landlord have a qualified tradesman attend at the rental unit within ten days following the date of this decision to investigate the tenants’ three complaints and that the landlord take immediate action thereafter to ensure that the tenants have a working refrigerator and dishwasher and electrical power throughout the rental unit. This order and direction is subject to the tradesman’s determination that the failure of any those three things has been caused by the tenants or their invitees.

I direct that a copy of the report of any qualified tradesman be provided to the tenants immediately after receipt by the landlord.

I dismiss the tenants' claim for monetary relief or a rent reduction, but grant them leave to re-apply once it has been determined that the failures or any of them are the result of the landlord's failure to properly maintain the rental unit and its services and facilities.

The tenants have been successful in their application to cancel the Notice and so they are entitled to recover the \$100.00 filing fee paid for this application. I authorize them to reduce their next rent due by \$100.00 in full satisfaction of the 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: March 09, 2017

Residential Tenancy Branch