



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHILLIWACK SUPPORTIVE HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an Order of Possession of the rental unit pursuant to section 54.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Preliminary Issue

Both parties agree that the landlord issued a One Month Notice to End Tenancy for Cause pursuant to Section 27 of the Act. The landlord testified that she's had these notices in her filing cabinet for over twenty years. After reviewing the notice with the parties it is clear that the notice is outdated and quotes the wrong section of the Act. A One Month Notice to End Tenancy for Cause is pursuant to Section 47 of the Act.

Analysis

Section 52 of the Act addresses this issue as follows:

Form and content of notice to end tenancy

52 In order to be effective, a notice to end a tenancy must be in writing and must

(a) be signed and dated by the landlord or tenant giving the notice,

- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) *[tenant's notice]*, state the grounds for ending the tenancy,
- (d.1) for a notice under section 45.1 *[tenant's notice: family violence or long-term care]*, be accompanied by a statement made in accordance with section 45.2 *[confirmation of eligibility]*, and
- (e) when given by a landlord, be in the approved form**

I find that the landlord did not use the approved form; accordingly, the notice is cancelled.

Conclusion

The One Month Notice to End Tenancy for Cause dated March 30, 2017 is cancelled, it is of no effect or force. The tenancy continues.

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: May 10, 2017

Residential Tenancy Branch