



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LAT, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47;
2. An Order allowing a lock change - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlords and Tenants were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Witness provided service evidence under oath. The Tenants withdrew its claim for a lock change.

Issue(s) to be Decided

Is the notice to end tenancy effective?

Are the Tenants entitled to recovery of the filing fee?

Background and Evidence

The following are undisputed facts: The tenancy started on May 1, 2017. Rent of \$1,550.00 includes utilities and is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$750.00 as a security deposit. On June 5, 2017 the Landlord served the Tenants with a one month notice to end tenancy for cause (the “Notice”). The Notice is dated June 2017.

Analysis

Section 52 of the Act provides that in order to be effective a notice to end tenancy must be signed and dated. As the Notice does not set out any day of the month, I find that the Notice is not dated as required by the Act. The Notice is therefore not effective in ending the tenancy and the tenancy continues. As the Tenant has been successful in continuing the tenancy I find that the Tenant is entitled to recovery of the **\$100.00** filing fee and the Tenant may deduct this amount from future rent payable in full satisfaction of the entitlement.

Conclusion

The Notice is not effective and the tenancy continues. I grant the Tenant an order under Section 67 of the Act for **\$100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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, 2017

Residential Tenancy Branch