



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PAT BASRA
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FF

Introduction

This matter dealt with an application by the Landlord to end the tenancy, for an Order of Possession and to recover the filing fee.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the “hearing package”) by posting it under the door of the Tenant’s rental unit on August 22, 2017.

Issues(s) to be Decided

1. Is the Landlord entitled to an Order of Possession?

Background and Evidence

At the start of the hearing it was discovered the Landlord's 2 Month Notice to End Tenancy for Landlord's Use of the Property was not dated and did not have an effective vacancy date written on the notice. Section 52 (a) says a Notice to End Tenancy **must** be dated and 52 (c) of the Act says any Notice to End Tenancy **must** have the effective vacancy date written on it or the notice is not effective. . If these dates are not on the Notice to End Tenancy then the Notice is **not** effective or valid.

Analysis

As the 2 Month Notice to End Tenancy for Landlord’s Use of the Property is not dated and does not have an effective vacancy date on it and the Act (Section 52 a and c) requires the Notice to be dated and to have an effective vacancy date on it to make the notice valid. I find this Notice is **not valid**. Consequently I dismiss the Landlord’s application due to the Notice to End Tenancy is not valid or effective. Further I order the tenancy to continue as stated in the tenancy agreement.

As the Landlord was unsuccessful in this matter I order the Landlord to bear the cost of the filing fee that he has already paid.

Conclusion

The Landlord's application is dismissed.

I order the tenancy to continue as stated in the tenancy agreement.

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: November 8, 2017.

Residential Tenancy Branch