



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT. CNC. FF

### Introduction

This matter dealt with an application by the Tenant for more time to make the application, to cancel a Notice to End Tenancy for Cause and to recover the filing fee.

The Tenant, the Tenant's support worker and the Landlord all attended the hearing.

### Issues(s) to be Decided

1. Is the Tenant entitled to more time to make the application?
2. Does the Tenant have grounds to cancel the Notice to End the Tenancy?

At the start of the conference call it was discovered that the 1 Month Notice to End Tenancy for Cause dated June 7, 2019 does not have an effective vacancy date on the Notice. Consequently there is no effective vacancy date to end the tenancy.

Section 52 (c) of the Act says in order for a Notice to be effective it must be in writing and it must state the effective date of the Notice. As the 1 Month Notice to End Tenancy for Cause does not have an effective vacancy date the 1 Month Notice to End Tenancy for Cause dated June 7, 2019 is invalid and is an ineffective notice. Consequently as the Notice to End Tenancy is invalid, I cancel the 1 Month Notice to End Tenancy for Cause dated June 7, 2019 and I order the tenancy to continue as agreed in the tenancy agreement.

Further the Landlord said he has made an application for an Order of Possession with a hearing scheduled for August 30, 2019. The Landlord said his application is based on the same Notice to End Tenancy and now that he understands the Notice is invalid the Landlord said he is withdrawing that application number 91048231.

As the Tenant has been successful in this matter; I order the Tenant to recover the filing fee of \$100.00 by reducing the August 2019 rent by \$100.00.

Conclusion

The 1 Month Notice to End Tenancy for Cause dated June 7, 2019 is cancelled and the tenancy is ordered to continue as agreed in the tenancy agreement.

The Tenant is ordered to reduce the August 2019 rent by \$100.00 to recover the filing 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: July 29, 2019

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Residential Tenancy Branch