



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a notice to end tenancy for landlord's use of property issued on May 3, 2021 and to recover the cost of the filing fee.

Both parties appeared.

Preliminary and Procedural Matters

Form and content of notice to end tenancy

Section 52 of the Act, states:

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.**

In this case, the landlord confirmed at the hearing that they did not give the tenant a notice to end tenancy in the approved. A copy of a typed document was filed in evidence. This does not meet the requirements under section 49 and 52 of the Act. I find the notice to end tenancy, issued on May 3, 2021, not valid and has no force or effect. Therefore, I grant the tenant's application to cancel the notice to end tenancy. The tenancy will continue until legally ended under the Act. The landlord is at liberty to issue a proper notice to end the tenancy and it must be in the approved form.

As I have granted the tenant's application to cancel the invalid notice. I find the tenant is entitled to recover the \$100.00 they paid to file their application from the landlord. I authorize the tenant a onetime rent reduction, to deduct \$100.00 from November 2021 rent in full satisfaction of this award. The parties were notified at the hearing.

Conclusion

The tenant's application is granted. The tenant is entitled to a onetime rent reduction to recover the cost of 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: October 28, 2021

Residential Tenancy Branch