



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Notice to End Tenancy for Cause.

Both parties appeared. During the hearing, the tenant's telephone line was interfering with the conference call as it was creating static. The tenant was allowed to disconnect from the hearing and call back into the hearing; however, the static was still present. I was able to isolate the tenant's phone line to eliminate the interference. The hearing was able to proceed, and the parties fully understood my decision at the end of the hearing.

In this case, the landlord had issued a Notice to End Tenancy, dated October 25, 2021. The form the landlord has used was created in June of 2004. The form has not been in existence for well over 10 years and no longer complies with section 52 of the Act as it is not in the proper form.

While I accept I may approve a form if it does not affect its substance of the form, such as a recent outdated form; however, this particular form used does not contain important current information and even provides address for the Residential Tenancy Branch that are no longer in existence. I find I must cancel the Notice to End Tenancy.

I have not heard the merits of the notice to end tenancy and the landlords are a liberty to issue a new One Month Notice to End Tenancy for Cause, it must be in the proper form.

The landlord raised the issue that the tenant is refusing access to the rental unit and the smell from the unit is unbearable and the tenant has mice that were ordered to be

removed and is causing a mice issue in the building and creating health and safety issues for other occupants.

As a tenant does not have the right to refuse access, when given notice under the Act, I find it appropriate to make the following order against the tenant.

**I Order the tenant** that they must allow the landlord access to the rental unit on March 9, 2022, at 11am for a full inspection of the rental unit. The tenant fully understood my Order at the hearing including the date and time.

Should the tenant fail to allow access, the landlord is at liberty to issue a One Month Notice for Cause, for non-compliance with an order under the legislation within 30 days after the tenant received the order **or the date in the order**.

### Conclusion

The tenant's application to cancel the notice to end tenancy is granted. The tenant is Order that they must allow the landlord to inspection the rental unit on March 9, 2022, at 11am.

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: March 08, 2022

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Residential Tenancy Branch