



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding PLOURDE HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, OLC, FFT (Tenants)
 OPL, MNDCL-S, FFL (Landlord)

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

The Tenants filed their application November 14, 2022. The Tenants applied as follows:

- To dispute a Two Month Notice to End Tenancy for Landlord's Use of Property dated October 27, 2022 (the "Notice")
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- To recover the filing fee

The Landlord filed their application February 22, 2023. The Landlord applied as follows:

- For an Order of Possession based on the Notice
- For compensation
- To keep the security deposit
- To recover the filing fee

The Tenants appeared at the hearing with Legal Counsel. B.P. and E.P. appeared at the hearing for the Landlord. I explained the hearing process to the parties. I told the parties they are not allowed to record the hearing pursuant to the Rules of Procedure (the "Rules"). The parties provided affirmed testimony.

I have decided the validity of the Notice and the requests to recover the filing fee. The remaining requests are dismissed with leave to re-apply pursuant to rule 2.3 of the Rules.

Both parties submitted evidence prior to the hearing. I confirmed service of the hearing packages and evidence and no issues arose.

The parties were given an opportunity to present relevant evidence and make relevant submissions. I have considered all evidence provided. I will only refer to the evidence I find relevant in this decision.

Issues to be Decided

1. Should the Notice be cancelled?
2. If the Notice is not cancelled, should the Landlord be issued an Order of Possession based on the Notice?
3. Is either party entitled to recover the filing fee?

Background and Evidence

There is no issue that there is a tenancy agreement between the parties.

The Notice was submitted. The Tenants testified that they only received pages 1 and 2 of the Notice and submitted that the Notice is invalid on this basis.

B.P. acknowledged that only pages 1 and 2 of the Notice were served on the Tenants. B.P. submitted that the Tenants know their legal rights and the absence of pages 3 and 4 of the Notice did not prejudice the Tenants in any way.

Analysis

Section 52 of the *Act* states:

52 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...

(e) when given by a landlord, be in the approved form.

There is no issue that the Landlord only served pages 1 and 2 of the Notice on the Tenants. I find the Notice served was not on the approved form because the approved form is 4 pages. I find the Notice did not comply with section 52 of the *Act*, was not an effective notice to end tenancy and is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

The Tenants are entitled to recover the filing fee pursuant to section 72(1) of the *Act* because they have been successful in their application. The Tenants can deduct \$100.00 from their next rent payment pursuant to section 72(2) of the *Act*.

The Landlord is not entitled to recover the filing fee because the Landlord has not been successful in their application.

Conclusion

The Notice is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

The Tenants can deduct \$100.00 from their next rent payment.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: March 27, 2023

Residential Tenancy Branch