



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT, FFT

Introduction

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the tenant’s May 9, 2023, application to the Residential Tenancy Branch for:

- (i) an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the Act;
- (ii) more time to dispute the Notice under section 66 of the Act; and
- (iii) authorisation to recover the cost of the filing fee under section 72 of the Act.

Issues

- 1. Is the tenant entitled to an order cancelling the Notice?
- 2. If not, is the landlord entitled to an order of possession?

Background and Evidence

In reaching this decision, I have considered all relevant evidence that complied with the *Rules of Procedure*. Only the necessary oral and documentary evidence that helped resolve the issues of the dispute and explain the decision is included below.

The tenancy began April 15, 2022. Rent is \$1,378.00 due on the first day of the month. The landlord currently retains a \$630.00 security deposit. There is a copy of the written tenancy agreement in evidence.

The landlord served the Notice on May 3, 2023, by posting a copy onto the door of the rental unit. Page two of the Notice indicates that the tenant did not pay rent in the amount of \$783.00 that was due on May 1, 2023. All pages of the Notice were served and submitted into evidence.

The landlord affirmed that the landlord had completed the Notice using an old RTB-30 Form because the landlord's core software has not updated the system with the new form.

Analysis

Section 52 of the Act (Form and content of notice to end tenancy) provides that, in order to be effective, a notice to end a tenancy must be in writing and must, when given by a landlord, be in the approved form. As the landlord had issued the Notice using an old RTB-30 Form, I do not find that the Notice complies with section 52 of the Act. Therefore, I am cancelling the Notice.

Conclusion

The application is granted. The tenancy shall continue until it is ended in accordance with the Act.

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 11, 2023

Residential Tenancy Branch