



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This dispute relates to two Tenant Applications for Dispute Resolution (applications). The Tenants are seeking remedy under the *Residential Tenancy Act* (Act) as follows:

- Cancel a One Month Notice to End Tenancy for Cause dated May 21, 2024 (One Month Notice)
- Recover filing fee for one application (filing fee was waived on second application)

Those listed on the cover page of this decision attended the hearing and were affirmed. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary Matters

The parties confirmed their respective email addresses at the outset of the hearing. The parties were advised that the decision would be emailed to the parties as a result.

Issues to be Decided

Should the One Month Notice be cancelled?

Should the Tenants be granted the filing fee?

Facts and Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

The Landlord has created a tenants-in-common living situation at the rental property. There are separate tenancy agreements for 3 different bedrooms. Two of the bedrooms are occupied currently, which I will refer to as Tenant DT renting Room A, and Tenant PG renting Room B. As Tenant PG did not attend the hearing, I base this decision on the evidence provided by Tenant DT.

The One Month Notice was dated May 21, 2024, and was not signed by the Landlord. The parties were advised that for a notice to be effective it must be dated and signed. Therefore, I find the One Month Notice does not meet the requirements of section 52 of the Act and I cancel the One Month Notice as a result.

I order the tenancy to continue until ended in accordance with the Act.

Under section 62(3) of the Act, I **order** the Landlord to label the bedroom for Tenant DT as Room A or "A" and for Tenant PG, Room B or "B". This must be done before July 25, 2024. Failure to comply with my order can result in the Landlord being reported by either Tenant to the Residential Tenancy Branch (RTB) Compliance and Enforcement Unit (CEU).

The website for the RTB CEU is found here:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/tenancy-compliance-enforcement>

As the Tenant's claim was successful, I grant the **\$100.00** filing fee pursuant to section 72 of the Act by way of a one-time rent reduction from a future month of rent **for Tenant DT only**. This does not apply to Tenant PG who did not attend the hearing.

Conclusion

The One Month Notice is cancelled as it was not signed.

The Landlord has been ordered to label the bedrooms as indicated above.

The filing fee is granted as indicated above to Tenant DT only.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 16, 2024