



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Did the landlord serve the tenant with a valid notice to end tenancy? Does the landlord have grounds to end this tenancy?

Background and Evidence

The rental unit is located in a building which houses several rental units. After numerous complaints from residents of the building, the landlord served the tenant with a warning letter on February 21, 2011.

The letter outlined the various noise complaints and disturbances caused by the tenant. The last paragraph of the letter states "*Your behavior is unacceptable to the other tenants in the building. Consequently, I'm left with no alternative than to evict you under section 47, chapter 78, of the residential tenancy act. You have until March 24th 2011 to move out*"

The tenant stated that he did not receive an eviction notice in the proper format and therefore applied to dispute the order from the landlord that required him to move out by March 24, 2011.

Analysis

Section 52 of the *Residential Tenancy Act* states that 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
- B) Give the address of the rental unit
- C) State the effective date of notice
- D) State the grounds for ending the tenancy and
- E) Be in the approved form

The landlord served the tenant with a notice to end tenancy by way of a letter that asked him to move out by March 24, 2011. Pursuant to section 52 of the *Residential Tenancy Act*, this letter does not comply with the requirements of form and content of the notice to end tenancy. Therefore, I find that the tenant was not served a valid notice to end tenancy.

As a result, the tenancy shall continue in accordance with its original terms.

Conclusion

The tenant's application is dismissed. The tenancy will continue.

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: April 06, 2011.

Residential Tenancy Branch