# Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding The West Hotel
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes        CNR

Introduction

This hearing was convened in response to an application by the Tenant pursuant to section 46 of the *Residential Tenancy Act* (the "Act") for an Order cancelling a Notice to End Tenancy.  The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?
Is the Tenant entitled to a cancellation of the notice to end tenancy?

Background and Evidence

It is noted that no evidence was provided in advance of the Hearing by either Party and in particular the Landlord did not provide a copy of any notice to end tenancy.  The Tenant submits that a notice to end tenancy for unpaid rent (the "Notice") was given to her from the Landlord but that the name of some other person is on the Notice as the tenant.  The Landlord confirms that another person is named on the Notice having taken this name from a list made by the previous Landlord some time ago.  The Tenant states that she only just moved into the unit in October 2014.

Analysis

Section 46 of the Act provides that a landlord may end a tenancy if rent is unpaid on any day after the day it is due, by giving notice to end the tenancy effective on a date that is not earlier than 10 days after the date the tenant receives the notice.  I take this section

to imply that the Landlord must correctly name a tenant on such a notice. Given the incorrect name of the Tenant on the Notice, I find that the Notice is not valid and that the Tenant is entitled to a cancellation of the Notice.

Conclusion

The Notice is cancelled and the tenancy continues.

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 28, 2014

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Residential Tenancy Branch