



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

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DECISION

Dispute Codes CNC FFT

Introduction

The Tenant seeks an order canceling a notice to end the tenancy under the *Residential Tenancy Act* (“Act”). The Tenant also seeks to recover the cost of the application fee.

Preliminary Issue: The Notice to End the Tenancy

The notice to end tenancy being disputed was served on February 26, 2023, by being attached to the door of the rental unit. A copy of the two-page notice to end tenancy was submitted into evidence by both the Tenant and the Landlord.

A notice to end tenancy given under section 47 “must comply with section 52 [*form and content*]” of the Act (see section 47(3) of the Act). Section 52 of the Act requires that, to be effective, a notice to end a tenancy must (emphasis added):

- (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,
 - (d.1) for a notice under section 45.1 [*tenant's notice: family violence or long-term care*], be accompanied by a statement made in accordance with section 45.2 [*confirmation of eligibility*], and
- (e) **when given by a landlord, be in the approved form.**

The notice to end tenancy in question is a two-page #RTB-33 “*1 MONTH NOTICE TO END TENANCY FOR CAUSE*” dated July 2007. (The date of the form is at the very bottom left corner of the page.) In other words, the notice is now over sixteen years old, and no longer approved. The current, approved version of the notice is three pages long and contains additional, significant information that the 2007 version does not.

In summary, because the *1 MONTH NOTICE TO END TENANCY FOR CAUSE* is not in the approved form it is of no legal force or effect. In other words, it is “cancelled” for the purposes of the Tenant’s application and the tenancy shall continue until it is ended in accordance with the Act.

The approved form of the #RTB-33 is dated 2021/11/30 and is available at <https://alpha.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/landlord-notice/one-month-notice>.

The Tenant is entitled to recover the cost of the \$100.00 application fee under section 72 of the Act. Pursuant to section 72(2)(a) of the Act the Tenant may make a one-time deduction of \$100.00 from a future rent payment to compensate them for the fee.

Conclusion

The application is granted. The notice to end tenancy is cancelled.

Dated: June 19, 2023

Residential Tenancy Branch