

18. Use of Forms

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A. Takeaway

This policy guideline addresses when an arbitrator may issue an order based upon a previous form and when an arbitrator may not accept an older version and require a landlord to serve a notice in the current form.

B. Legislative Framework

The following sections describe use of forms:

<i>Residential Tenancy Act</i> (RTA)	<i>Manufactured Home Park Tenancy Act</i> (MHPTA)
<ul style="list-style-type: none"> section 10 	<ul style="list-style-type: none"> section 10

Under section 10 of the RTA and MHPTA, the director may approve forms for the purposes of the Acts. Deviations from an approved form that do not affect its substance and are not intended to mislead do not invalidate the form used.

In creating an approved form, the director might require certain information to be included in the form or that certain records must be attached to the form. Failing to include the required information or records could mean the form is not approved, and therefore invalid.

C. Notices to End Tenancy

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Aug-24

Notice to End Tenancy for Renovations or Repairs

On July 1, 2021, the RTA was amended to require a landlord to apply to the Residential Tenancy Branch to end a tenancy for renovations or repairs (section 49.2). A landlord ending a tenancy for demolition or conversion must give a four-month notice to end tenancy under section 49 (6) (demolition or conversion).

If a landlord issues an old four-month notice to end a tenancy for renovations or repairs (section 49.2) on or after July 1, 2021, the notice is invalid. Arbitrators may grant applications to cancel these notices.

If a new Notice to End Tenancy is required, a reasonable transition period may be provided before denying an application to enforce the notice, or granting an application to cancel it, only if deviations from the new form are not substantive and not intended to mislead.

Notice to End Tenancy for Landlord's Use for Landlord, Purchaser, or Caretaker Use

On July 18, 2024, the RTA was amended to require landlords to generate a notice to end tenancy using a web portal published by the Residential Tenancy Branch when ending a tenancy under subsections 49 (3), (4), and (5) of the RTA (landlord or purchaser's use for personal occupancy) and 49 (6) (e) (caretaker use). Notices that have been generated using the web portal will have a Notice ID.

If a landlord issues an old notice to end tenancy for landlord's use (form #RTB-32 or #RTB-29) for landlord or purchaser use (subsection 49 (3), (4), and (5)) or caretaker use (subsection (6) (e) on or after July 18, 2024, the notice is invalid. Arbitrators may grant applications to cancel these notices.

D. Other Forms

Using a form, like a Notice to End Tenancy, that is not approved by the director may be valid if it contains the required information and is not intended to mislead.

If an application is made on an old form or pertains to an old form (e.g., old Notice to End Tenancy), an arbitrator may amend the form or accept the application as validly filed. The arbitrator may refuse to amend the current form if a respondent proves prejudice that is attributable to the use of the old form. An arbitrator may not amend a form which does not contain the required information.

E. Approved Forms

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Approved forms are available on the Residential Tenancy Branch website for printing.

F. Policy Guideline Intention

The Residential Tenancy Branch issues policy guidelines to help Residential Tenancy Branch staff and the public in addressing issues and resolving disputes under the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act*. This policy guideline may be revised and new guidelines issued from time to time.

G. Changes to Policy Guideline

Section	Change	Notes	Date Guideline Changed
C	Am	Amended title and content to specifically refer to “purchaser use”	2024-08-21
D	Am	Amended to clarify that an application made on an old form or an application that <u>pertains</u> to an old form may be considered valid	2024-07-18
C	Am	Added subheading for notices to end tenancy for renovations and repairs, added in subsection on notices to end tenancy for landlord’s use for personal occupancy and caretaker use in response to legislative changes	2024-07-18
All	Am	Formatted to new template	May 2024
C	Am	Updated to reflect amendment that a person using an approved form must provide the information or other records required by the director.	May 2024

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All	Am	Corrected typo	2023-02-03
All	Am	Amended to reflect legislative changes	2021-09-09
All	new/del	Added part about 4 month notice, and removed archaic references.	2018-05-17
All	am	Edited for clarity	2018-05-17

Change notations

am = text amended or changed

del = text deleted

new = new section added