

## 18. Use of Forms

May-18

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*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 or the Manufactured Home Park Tenancy Act. This policy guideline may be revised and new guidelines issued from time to time.*

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This 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.

### LEGISLATIVE FRAMEWORK

Under section 10 of the *Residential Tenancy Act* and *Manufactured Home Park Tenancy Act* 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.

### Notices to End Tenancy

On May 17 2018 the *Residential Tenancy Act* was amended requiring a landlord to give four months' notice to end tenancy under section 49(6) (demolition, renovation or repair, conversion).

If a landlord serves an old two month notice to end tenancy for a purpose under section 49(6), on or after May 17 2018, that 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.

### Other Forms

Using a form 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, 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.

### Approved Forms

Approved forms are available on the RTB website for printing.

Section	Change	Notes	Effective Date
All	new/del	Added part about 4 month notice, and removed archaic references.	2018-05-17
All	am	Edited for clarity	2018-05-17