



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Decision

Dispute Codes: CNL, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act for orders as follows:

- An order to cancel the notice to end tenancy for cause pursuant to Section 49.
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

Issues

- Is the landlord entitled to an order of possession as per the notice to end tenancy?
- Is the tenant entitled to a monetary order for one month's rent as compensation and the fee to file this application?

Background and Evidence

I find that the Notice to End Tenancy for landlord use, dated July 31, 2008 was served on the tenant on July 31, 2008 by way of personal service and the Application for Arbitration dated August 12, 2008 was served on the landlord on August 14, 2008 by registered mail.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached.

The tenant testified that the tenancy started on July 01, 2008 and the tenant paid a security deposit in the amount of \$995.00. The tenancy is on a month to month basis and the monthly rent is \$2060.00 payable on the first of the month. The tenant stated and the landlord agreed that the tenant has paid rent for September 2008.

The tenant has submitted into evidence copies of several emails between her and the landlord. The tenant wanted the landlord to commit to paying her compensation in the amount of one month's rent in writing. During the hearing, the tenant agreed to move out on October 01, 2008 as per the notice to end tenancy, and withdrew her application to cancel the notice to end tenancy. Hence the notice is upheld. However, during the hearing the tenant requested a monetary order for her entitlement to one month's rent and the fee to file this application. The tenant is making the following claims:

- \$2060.00 as compensation for ending tenancy for landlord use.
- \$50.00 for the filing fee for this application.

Analysis

Based on the notice to end tenancy for landlord's use of property and pursuant to section 51 of the *Residential Tenancy Act*, I find that the tenant is entitled to receive from the landlord an amount that is the equivalent of one month's rent in the amount of \$2060.00. I also find that the tenant is entitled to her filing fee of \$50.00. Pursuant to section 67 of the *Residential Tenancy Act*, I am issuing a formal order for payment to the tenant. This order may be filed in the Small Claims Court and enforced as an order of that Court.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

- An order in the amount of \$2110.00 is issued to the tenant.
- An order of possession is issued to the landlord for October 01, 2008

September 10, 2008

Date of Decision