

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNDC

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing. The parties gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Tenant’s application for a Monetary Order for compensation or loss under the Act. The Tenant is applying for compensation under Section 51(2)(b) of the Act for the equivalent of two month’s rent.

Background and Evidence

Tenant’s testimony

- Monthly rent for the rental unit was \$550.00.
- In July, 2008, the Landlords served the Tenant with a Two Month Notice to End Tenancy for Landlord’s use, because the Landlord KG was going to move into the rental unit.
- The Tenant vacated the rental unit on July 31, 2008.
- The Landlord KG did not move into the rental unit.

Landlord's agent's testimony

- The Landlord KG moved into the rental unit on August 1, 2008.
- The Landlord KG moved out of the rental unit on August 3, 2008, because he had a family emergency and had to relocate to take care of his ailing mother.
- The rental unit was re-rented on September 1, 2008, to a non-family member. The monthly rent was the same amount as the Tenant was paying.

Analysis

Based on the oral evidence, I find that the Landlord TW is in fact the Landlord's agent.

Based on the oral evidence of both parties, I find that the Landlords gave the Tenant a Notice to End Tenancy under Section 49 of the Act (landlord's use of property).

Section 51(2) of the Act states:

Tenant's compensation: section 49 notice

51 (2) In addition to the amount payable under subsection (1), if

(a) steps have not been taken to accomplish the stated purpose for ending the tenancy under section 49 within a reasonable period after the effective date of the notice, or

(b) the rental unit is not used for that stated purpose for at least 6 months beginning within a reasonable period after the effective date of the notice,

the landlord, or the purchaser, as applicable under section 49, must pay the tenant an amount that is the equivalent of double the monthly rent payable under the tenancy agreement.

The Landlord KG did not live in the rental unit for a period of 6 months. Pursuant to Section 51(2)(b) of the Act, the Tenant is entitled to a monetary order for 2 month's rent, in the amount of \$1,100.00.

Conclusion

I grant the Tenant a monetary order for \$1,100.00 against the Landlord KG only. This order must be served on the Landlord KG and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an order of that Court.

May 22, 2009
