

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution for a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and her agent. The landlord did not attend.

The tenant provided into evidence the returned Notice of Hearing package that she had sent to the landlord via registered mail. The tenant served this package to the service address provided by the landlord on the 2 Month Notice to End Tenancy for Landlord's Use of Property.

Based on the above, I accept the landlord was sufficiently served with Notice of this hearing in accordance with Section 71(2)(b) of the *Residential Tenancy Act (Act)*.

Issues(s) to be Decided

The issue to be decided is whether the tenant is entitled to a monetary order for unpaid for compensation because the landlord did not use the rental unit for the stated purpose when he ended the tenancy for personal use, pursuant to sections 51, 67, and 72 of the *Act*.

Background and Evidence

The tenancy began in August 2006 as a month to month tenancy for a monthly rent of \$550.00 due on the 1st of the month. The tenancy ended on November 15, 2009, after the tenant found accommodation and provided the landlord notice under section 50 of the *Act*.

The tenant submitted the following documents into evidence:

- A copy of a 2 month Notice to End Tenancy for Landlord's Use of Property dated October 24, 2009 with an effective vacancy date of December 31, 2009 citing the rental unit will be occupied by the landlord or the landlord's spouse or a close family member of the landlord or the landlord's spouse;
- A copy of a handwritten note from the landlord dated July 23, 2009 stating that he intended to end the tenancy by October 1, 2009 because he needed the rental unit for family members; and
- A written statement from the tenant's witness confirming that on December 30, 2009 the tenant and witness returned to the rental unit and found a woman living

in the rental unit who was not the landlord's or landlord's spouse's mother, father or children.

The tenant noted that the landlord's children are all in elementary school and the woman living in the rental unit on December 30, 2009 was not old enough to be the landlord's or landlord's spouse's parents.

Analysis

Section 51 states that if a tenant receives a notice to end tenancy under Section 49 of the *Act* (landlord's use of property) and steps have not been taken to accomplish the stated purpose or the rental unit is not used for the stated purpose for at least 6 months the landlord must pay the tenant an amount equivalent to double the monthly rent payable under the tenancy agreement.

In the absence of any evidence or testimony from the landlord I accept the tenant's testimony that the parties living in the rental unit after the end of the tenancy and find the landlord had not used the rental unit for the stated purpose within a reasonable time.

As the tenant's claim for additional compensation in the amount of \$50.00 are for costs associated with this dispute I dismiss this portion of her application as costs the applicant must bear.

Conclusion

I find that the tenant is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,100.00** compensation.

This order must be served on the landlord and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 03, 2010.

Dispute Resolution Officer