

DECISION

Dispute Codes MNDC, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties and their witnesses the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witnesses.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$1508.00

Background and Evidence

The applicant testified that:

- On November 25, 2007 she was given a 2 month Notice to End Tenancy for landlord use which stated that a family member would be using the rental property.
- She vacated as a result of that notice; however it is her belief that the landlords did not use the rental unit for landlord use and in fact have attempted to re-rent it.
- She has supplied a witness letter from a neighbour who states that it is her belief that an ad was placed in the North Shore newspaper, and which also states that she was an eyewitness to conversations with two potential renters.
- The witness letter also states that the unit was prepared for re-renting by replacing carpets, flooring, and appliances.

The applicant is therefore requesting that since the landlords did not comply with the reasons given for ending the tenancy that they be ordered to pay the equivalent of two times the monthly rent, pursuant to Section 51 of the Residential Tenancy Act.

The representative for the landlords testified that:

- The landlord has been using the rental property as an exercise room and has not attempted to re-rent the unit.
- The tenants claims that ads were placed in the North Shore newspaper however she has provided no evidence to support that claim.
- This tenancy ended in March 2008, and the only time the landlord spoke with anyone regarding renting the unit was over a year later in 2009 when the landlords offered to rent the unit, for a one month period, to some people from their church who had lost their home in a fire.

The landlords therefore request to this application be dismissed for lack of evidence.

Analysis

It is my decision that the applicant has not met the burden of proving that the landlords did not comply with their reasons given for ending the tenancy.

The witness letter supplied by the tenant states that it was her belief that an ad had been placed in the North Shore newspaper; however she has supplied no evidence in support of this belief.

The letter also speaks about having conversations with two potential renters, however there is no mention of when those conversations took place, and therefore they could be the same potential renters from 2009, mentioned by the landlord's representative, which is well past the required six-month period during which the unit must be used for the stated purpose for ending the tenancy.

Conclusion

This application is dismissed in full without leave to reapply.

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 11, 2010.

Dispute Resolution Officer