

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the tenant(s) for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant(s) are entitled to the above under the Act, regulation or tenancy agreement

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began approximately eight years and ended on or about February 6, 2010. When tenancy ended, monthly rent was \$1,100.00. The parties testified that the disposition of the security deposit was resolved between them at the end of tenancy.

The end of tenancy was initiated by the issuance of a 2 month notice to end tenancy for landlord's use of property dated November 30, 2009. Following issuance of the notice, the purchaser and the tenant(s) had discussions around whether or not the tenant(s) might continue to reside in the upstairs portion of the unit, while the purchaser lived in the basement. Thereafter, however, there was no written agreement entered into by the parties, the tenant(s) vacated the unit on or about February 6, 2010, and rather than moving into the unit the purchaser found new renters after completing certain repairs.

In their application, the tenant(s) take the position that as the purchaser did not ultimately occupy the unit, the tenant(s) are entitled to compensation in the amount equivalent to two months' rent. At issue, in part, is whether there was a good faith intent on the part of the purchaser to occupy the unit. During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties led to a resolution. Specifically, it was agreed as follows:

- that the landlord(s) will pay the tenant(s) \$600.00;
- that the above payment will be by cheque made payable to tenant "RCR;"
- that the above cheque will be put into the mail to tenant "RCR" by no later than midnight, Friday, October 8, 2010;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant(s) for \$600.00. Should it be necessary, this order may be served on the landlord(s), filed in the Small Claims Court and enforced as an order of that Court.

DATE: October 5, 2010

Dispute Resolution Officer