



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNDC FF

### Introduction

This hearing dealt with an application by the tenants for monetary compensation under the Act. Both tenants and the landlord participated in the teleconference hearing.

### Issue(s) to be Decided

Are the tenants entitled to the monetary amount claimed?

### Background and Evidence

On September 26, 2010, the landlord served the tenants a two month notice to end tenancy for landlord's use. The notice indicated that the reason for the notice was that the rental unit would be occupied by the landlord or the landlord's spouse. The tenants acted on the notice and vacated the rental unit on November 5, 2010.

In the hearing, the landlord stated that at the time the notice was issued, the intention was for the landlord's husband to occupy the rental unit. However, after the tenants vacated the landlord and her husband decided to instead sell the unit. The landlord's husband did not occupy the unit, and it has since been sold.

The tenants have applied for compensation under the Act equivalent to two months' rent, a total of \$3350.

### Analysis

Section 51 of the Act requires that when a landlord gives a 2 month notice for landlord's use, the rental unit must be used for the stated purpose for at least 6 months beginning within a reasonable time after the effective date of the notice. In this case, the notice indicated that the rental unit would be occupied by the landlord or the landlord's spouse. The landlord or the landlord's spouse did not occupy the rental unit; rather, the rental

unit was sold. Therefore, the tenants are entitled to the compensation claimed under section 51 of \$3350.

The tenants are also entitled to recover the \$50 filing fee for this application.

Conclusion

I grant the tenants an order under section 67 for the balance due of \$3400. This order may be filed in the Small Claims Court 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: April 12, 2011.

---

Residential Tenancy Branch