



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNDC, FF

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by one of the tenants and the landlord.

### Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to a monetary order for compensation for damage or loss and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 49, 51, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenants submitted a tenancy agreement signed by the parties on February 26, 2010 for a month to month tenancy beginning on March 1, 2010 for a monthly rent of \$1,300.00 due on the 1<sup>st</sup> of each month with a security deposit of \$650.00 paid on February 25, 2010.

The tenants also submitted a copy of a 2 Month Notice to End Tenancy for Landlord's Use of Property issued on May 21, 2010 with an effective date of July 31, 2010 citing the unit will be occupied by the landlord or landlord's spouse or a close family member, in accordance with Section 49 of the *Act*.

The landlord testified that she had originally intended to move into the property but that her employment plans fell through and although she and her family used the house periodically over the summer of 2010 she did re-rent the house to new tenants as of October 1, 2010.

### Analysis

Section 51 states that if the rental unit is not used for the stated purpose for at least 6 months beginning within a reasonable time after the effective date of the notice the

landlord must pay the tenant the equivalent of double the monthly rent payable under the tenancy agreement.

Based on the landlord's testimony, I find the rental unit was not used for the stated purpose for at least 6 months and therefore find the tenants are entitled to the compensation allowed under the *Act*.

### Conclusion

I find that the tenants are entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$2,650.00** comprised of \$2,600.00 compensation owed and the \$50.00 fee paid by the tenant for this application.

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: April 15, 2011.

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Residential Tenancy Branch