



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, O

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation under the Act - Section 67.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Tenant was given full opportunity to be heard, to present evidence and to make submissions. The Tenant clarified at the Hearing that the only claim being pursued is the claim noted above and not any claim for the Landlord’s compliance or other claim as noted in the application for dispute resolution.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Background and Evidence

The following are undisputed facts: The tenancy began on January 1, 2010 and ended on October 3, 2010. Rent in the amount of \$1,700.00 was payable in advance on the first day of each month. In July 2010, the Tenant was served with a 2 month Notice to end Tenancy for Landlord’s use of the Property (the “Notice”) with an effective date of September 30, 2010. In addition to the demolition or repair of the unit as the reason checked off on the Notice, the Tenant was informed by the Landlord’s agent that the the

Landlord was going to demolish the rental house and rebuild either a two or three story home on the lot. One week after moving out of the house, the house was listed for sale and remained listed at the time of the Tenant's application in February. The house is now off the market and new residents have moved in. The Tenant claims two months compensation in the amount of \$3,400.00 for the Landlord's failure to take steps towards the purpose for which the Notice was given.

Analysis

Section 51 of the Act provides that where a tenant receives a notice to end tenancy for the landlord's use of property and steps have not been taken to accomplish the stated purpose within a reasonable period after the effective date of the notice, the landlord must pay the tenant an amount that is the equivalent of double the month rent. Given the immediate listing of the unit for sale and its continued listing for a period of at least 5 months, I find, on a balance of probabilities, that the Landlord has not met his obligations to take steps to accomplish the stated purpose of the Notice and that the Tenant has established an entitlement to compensation in the amount of \$3,700.00 from the Landlord.

Conclusion

I grant the Tenant a monetary order pursuant to Section 67 of the Act for the amount of **\$3,400.00**. If necessary, 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 Act.

Dated: June 07, 2011.

Residential Tenancy Branch