



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

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

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for monies owed or compensation, pursuant to Sections 49, 51, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties agree the tenancy began on October 1, 2010 as a month to month tenancy for a monthly rent of \$800.00 due on the 1st of the month. The parties agree a security deposit was paid but disagree on how much was paid.

The tenant testified that her rent was paid directly to the landlord from the Ministry of Social Development (MSD) prior to the start of each month. The landlord testified that he was contacted by the tenant's worker and advised that they would not be sending any cheques to the landlord and that he did not receive a cheque for June 2011.

The tenant testified that the MSD workers are not allowed to contact landlords or any other party with any information about their files and that she knows for a fact that the MSD did pay the landlord rent for June 2011. The tenant provided no documentary supporting evidence of her knowledge of this payment.

Analysis

Section 49 states a landlord may end a tenancy if, among other things, the landlord intends to occupy or have a close family member occupy the rental unit. Section 51 states a tenant who receives a notice to end tenancy under Section 49 is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.

To be successful in a claim for money owed or compensation the applicant has the burden to provide sufficient evidence to establish the requirement for compensation exists. I accept the tenant was provided a Notice to End Tenancy under Section 49 of the *Act* and that she is therefore entitled to the compensation provided for under Section 51.

However, when faced with disputed testimony in regard to the payment of rent for June 2011 and in the absence of the documentary proof of a payment from the MSD to the landlord for rent for the month of June 2011, I find the tenant has failed to meet the burden of establishing that the landlord did not already provide the compensation.

Conclusion

For the reasons noted above, I dismiss the tenant's Application in its entirety.

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: October 13, 2011.

Residential Tenancy Branch