



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

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 money owed under the Act - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on July 23, 2009 and ended pursuant to a two month notice to end tenancy for landlord’s use (the “Notice”) on April 30, 2011. Rent in the amount of \$1,800.00 was payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$900.00. The Tenant states that the Landlord failed to provide them with an amount equal to one month’s rent on or before the effective date of the Notice. The Landlord states that since the Tenants signed a month to month tenancy agreement and were aware at the time of signing the tenancy agreement that the unit was going to be placed for sale. Further the Landlord states that the Tenant had earlier agreed to sign a mutual agreement to end the tenancy and then refused to sign the agreement when the unit

was sold. For these reasons, the Landlord states that she did not have to provide the Tenants with any money.

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Analysis

Section 51 of the Act provides that where a tenant receives a notice to end tenancy under section 49 [landlord's use of property], the tenant 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. Given the Notice served on the Tenants with an effective date of April 30, 2011 and given that the Landlord did not provide the Tenants with an amount equivalent to one month's rent on or before the effective date of the Notice as required by the Act, I find that the Tenant is entitled to the amount of \$1,800.00. The Tenant is also entitled to recovery of the \$50.00 filing fee for a total entitlement of **\$1,850.00**

Conclusion

I grant the Tenant an order under Section 67 of the Act for the amount of **\$1,850.00**. 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 *Residential Tenancy Act*.

Dated: October 17, 2011.

Residential Tenancy Branch