



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNDC OLC

Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant also requested recovery of the \$50.00 filing fee for this application. Both parties attended this hearing and had an opportunity to be heard.

Issue(s) to be Decided

Is the tenant entitled to the requested order?

Background and Evidence

This tenancy began in July 2009. The rent was \$750.00 per month. The rental unit was the main floor of a detached home. The landlords lived upstairs. On July 1, 2011 when the landlord came to collect July's rent, the tenants were advised that their relative would be moving into the main floor and that the tenant would therefore have to vacate. No written notice was given. The tenant vacated on July 31, 2011.

According to the tenant, the landlord had told her she had to be out of the rental unit by no later than August 15, 2011.

According to the landlord the tenant was not given any deadline for vacating the rental unit and that the whole tenancy had been amicable from start to finish.

Neither party submitted any documentary evidence.

Analysis

The tenant has made a monetary claim in the amount of \$750.00 representing one month's rent. The tenant has made this claim on the basis that the landlord was essentially giving her a 2-Month Notice to End Tenancy pursuant to which she would be entitled to one month's free rent.

However, in my view there is insufficient evidence before me to show that the landlord gave a two-month notice. The tenant was not obliged to vacate the unit on the basis of a verbal request by the landlord and the landlord claims that no deadline was given to the tenant at all.

In other words, the end of this tenancy was far more in the nature of a mutual agreement to end than a two-month notice situation. Accordingly, I am not satisfied that the tenant has proved her claim.

Conclusion

I dismiss the tenant's application for a monetary order.

I dismiss the tenant's request to recover the filing fee from the landlord.

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*.

