



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNDC, FF

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for compensation pursuant to a notice to end tenancy for landlord's use of property and for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issue(s) to be Decided**

Is the tenant entitled to compensation and the return of the filing fee?

### **Background and Evidence**

The tenancy started on August 01, 2008 and ended on June 01, 2012, after the tenant was served a two month notice to end tenancy for landlord's use of property. The monthly rent was \$1,500.00. The tenant filed a copy of the notice to end tenancy dated May 05, 2012 which stated that the reason for the notice was that the landlord or his family member intended to move into the rental unit.

The tenant stated that he had already paid rent for May 2012 prior to receiving the notice to end tenancy. On May 12, 2012, the tenant gave the landlord notice to end the tenancy effective June 01, 2012.

### **Analysis**

Section 51 of the Act sets out that a tenant who receives a notice to end tenancy for landlord's use is entitled to compensation equivalent to one month's rent. The compensation may be in the form of one of the following:

- 1) financial restitution, where the landlord pays the tenant the equivalent of one month's rent on or before the effective date of the two month notice,
- 2) occupancy, where the tenant withholds the last month's rent and occupies the rental unit rent-free for that last month, or
- 3) a combination of both.

Under section 50 of the Act, a tenant who has received a notice to end tenancy for landlord's use may end the tenancy early by giving a written 10 day notice to end the tenancy on a date earlier than the effective date of the landlord's notice.

In this case, the tenant received the notice to end tenancy for landlord's use of property under Section 49. The notice indicated that the landlord intended in good faith to occupy the rental unit. The tenant provided at least ten days notice to end the tenancy prior to the end date of the notice to end tenancy. Both parties agreed that rent was paid for the last month of tenancy.

Based on the testimony of both parties, I find that the tenant is entitled to compensation in the amount of one month's rent of \$1,500.00. The tenant has proven his case and is also entitled to the recovery of the filing fee of \$50.00.

Overall the tenant has established a claim of \$1,550.00. I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$1,550.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of \$1,550.00.

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: July 27, 2012.

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Residential Tenancy Branch