



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for monetary compensation.

The landlord attended the teleconference hearing but the tenant did not. The landlord provided evidence that on March 1, 2013 he served the tenant with the application for dispute resolution and notice of hearing by registered mail. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I accepted the landlord's evidence on service and found that the tenant was deemed served with notice of the hearing on March 6, 2013. I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began in 2010. On June 1, 2012, the landlord served the tenant with a two month notice to end tenancy for landlord's use. The effective date on the notice is August 1, 2012. The landlord stated that the tenants only paid their rent for June 2012 but not for July 2012. The landlord stated that the tenants vacated the rental unit on August 4, 2013. The landlord acknowledged that he did not pay the tenants compensation equivalent to one month's rent or agree that the tenants could stay in the rental unit rent-free for July 2012. The landlord has claimed \$600 for July 2012 rent.

Analysis

Under section 51 of the Act, a tenant who receives a two month notice to end tenancy is entitled to receive compensation from the landlord equivalent to one month's rent. The tenant may withhold the amount from the last month's rent and considered to have received the compensation. I therefore find that in this case the tenants were entitled to withhold the rent for July 2012, and the landlord's claim for July 2012 rent must fail.

As the landlord's application was not successful, he is not entitled to recovery of the filing fee for the cost of his application.

Conclusion

The application of the landlord is dismissed.

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: May 28, 2013

Residential Tenancy Branch

