



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KEKINOW NATIVE HOUSING SOCIETY

## DECISION

Dispute Codes      MNDC, OPT, OLC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a monetary order for money owed for compensation for under the Act and to have the landlord comply with the Act and to obtain an order of possession of the rental unit.

Both parties appeared.

### Background and Evidence

The parties agreed that the tenant received a 2 Month Notice to End Tenancy for Landlord's Use of Property, issued on June 25, 2013, with an effective vacancy date of August 31, 2013. The parties agreed that the landlord received rent for August on behalf of the tenant.

The landlord stated that they returned to the Ministry of Employment and Income Assistance the rent that they received for August 2013. The landlord stated that they believed it was considered a return of rent, rather than compensation that the tenant was entitled to receive for receiving the notice to end tenancy.

51 (1) A tenant who receives a notice to end a tenancy under section 49 *[landlord's use of property]* 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

The landlord stated those funds should have been paid directly to the tenant as this was compensation the tenant was entitled to receive for receiving the 2 Month Notice to End Tenancy. The landlord stated that they would contact the ministry to rectify their error.

During the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The landlord agreed that they will provide the tenant with compensation that they are entitled to receive for receiving the notice, which is the amount equivalent of

one month's rent by issuing the tenant a cheque in the amount of \$709.00, this cheque will be issued on December 6, 2013 and sent to the tenant; and

- 2) The tenants agreed to accept the amount of \$26.17, for addition compensation that the landlord agreed to pay for storage. This amount will also be included in the cheque that will be issued on December 6, 2013.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

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: November 27, 2013

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Residential Tenancy Branch

