



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC

Introduction

This is an application for a Monetary Order for \$1800.00 and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed to the address where the respondents are presently living; however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing, and therefore it's my finding that the respondents have been properly served with notice of today's hearing. The hearing therefore proceeded in the absence of the respondents.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not the landlords have complied with the reasons given for ending the tenancy for landlord use, and if not whether compensation to the tenant is justified.

Background and Evidence

The applicant testified that:

- On November 24, 2012 he was personally served with a two month notice that stated that the rental unit will be occupied by the landlord or the landlords spouse or a close family member.
- He therefore vacated the rental unit on January 29, 2013 so as to comply with that notice.
- The landlord however has failed to comply with the reasons given for ending the tenancy, and as of November 12, 2013, neither the landlord nor any of his family members had moved into the rental unit.
- When he asked the landlord directly on November 12, 2013 if he or his family members were living in the rental unit, the landlord stated directly that they were not.
- He is therefore requesting the equivalent of two months' rent as compensation required under section 51 of the Residential Tenancy Act.
- His rent was \$900.00 per month and he is therefore requesting a Monetary Order for \$1800.00.
- He is also requesting recovery of his filing fee.

Analysis

Section 51(2) of the Residential Tenancy Act states:

51 (2) In addition to the amount payable under subsection (1), if

(a) steps have not been taken to accomplish the stated purpose for ending the tenancy under section 49 within a reasonable period after the effective date of the notice, or

(b) the rental unit is not used for that stated purpose for at least 6 months beginning within a reasonable period after the effective date of the notice, the landlord, or the purchaser, as applicable under section 49, must pay the tenant an amount that is the equivalent of double the monthly rent payable under the tenancy agreement.

In this case I accept the applicant's sworn testimony that as of November 12, 2013 the landlord had still not taken steps to accomplish the stated purpose for ending the tenancy. This is almost a full year after the notice was given and therefore, it is my

finding that the landlord did not take the steps to accomplish the stated purpose within a reasonable time and therefore the landlord must pay the tenant the equivalent of double the monthly rent.

As stated above the tenant paid monthly rent of \$900.00 and therefore the landlord must pay \$1800.00.

I also allow the request for recovery of the \$50.00 filing fee.

Conclusion

Pursuant section 51, and 67 of the Residential Tenancy Act I've issued a Monetary Order in the amount of \$1850.00.

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: March 25, 2014

Residential Tenancy Branch

