



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

The tenancy started in 1994 and ended November 30, 2013. Rent of \$750.00 was payable monthly. No security deposit was collected.

The Parties agree that on September 30, 2013 the Landlord gave the Tenant a two month notice to end tenancy for landlord’s use (the “Notice”), with the reason that the Landlord will be occupying the unit. The Landlord agrees that the unit was demolished in January 2014. The Landlord states that the Landlord is unfamiliar with English, was not aware of the appropriate notice to be given and that the unit was not suitable for

living in. There is no dispute that the Tenant was provided with a month's free rent as required under the Act when a tenancy is ended in this manner.

Analysis

Section 51 of the Act provides that in addition to the one month's rent payable, if the unit is not used for the stated purpose set out in a notice to end tenancy for landlord's use, then the landlord must pay the tenant an amount that is the equivalent to double the monthly rent payable. Given the undisputed evidence that the reason for the Notice was the occupation of the unit and that the unit was not occupied but demolished, I find that the Tenant has substantiated an entitlement to \$1,500.00. As the Tenant has been successful, the Tenant is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$1,550.00.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$1,550.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: April 14, 2014

Residential Tenancy Branch

