



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened in response to an application filed by the tenant seeking: a monetary order for compensation for damage or loss in the sum of \$ 900.00 as a result of the respondent's failure to comply with the Act and recovery of the filing fee paid for this application. Only the applicant attended the hearing.

Issue:

Is the applicant entitled to compensation?

Background and Evidence

The applicant testified that she sent the landlord a copy of the dispute resolution package by registered mail and provided a tracking number. Upon reference to Canada Post's web site I find that the landlord received the package and that service was perfected on June 2, 2014.

The applicant testified and provided a written copy of the tenancy agreement confirming that this tenancy began on January 1, 2014 with rent in the amount of \$ 900.00. The applicant testified that she was served with a two month Notice to End Tenancy dated March 24, 2014 pursuant to section 49 (3) of the Act stating that the landlord wished to end the tenancy because:

(3) A landlord who is an individual may end a tenancy in respect of a rental unit if the landlord or a close family member of the landlord intends in good faith to occupy the rental unit.

The tenant testified that she vacated the unit on May 3, 2014, paid her rent for April 2014 and to date had not received one month compensation as required by the Act.

Analysis

I accept the applicant's undisputed evidence. I find that pursuant to section 51 (1) of the Act the tenant is entitled to compensation equivalent to one month's rent.

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.

Accordingly the tenant is entitled to compensation amounting to \$ 900.00 plus the filing fee amounting to \$ 50.00.

Conclusion

The applicant is provided with an Order in the amount of **\$ 950.00** payable by the respondent. The respondent must be served with a copy of this Order as soon as possible. Should he fail to comply with this Order, it may be filed in the Small Claims Division of the Provincial 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: September 15, 2014

Residential Tenancy Branch

