



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND MNDC FF

### Introduction

This hearing convened pursuant to monetary claims by the landlord and the tenant. Both the landlord and the tenant participated in the hearing.

At the outset of the hearing the landlord stated that he had lost all of his evidence. I allowed the landlord to withdraw his application. The tenant stated that he wished to proceed with his application.

Both parties were given full opportunity to give testimony regarding the tenant's application. I have reviewed all testimony. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Is the tenant entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on August 1, 2006.

The parties agreed that at the end of September 2013 the landlord gave the tenant verbal notice that he would be moving in with his daughter in December 2013. The tenant paid rent for October and November 2013 and vacated the rental unit on November 30, 2013.

The tenant has claimed monetary compensation equivalent to one month's rent, pursuant to section 51 of the Act.

### Analysis

Section 51 of the Act sets out as follows:

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.

In this case, the tenant did not receive a notice to end tenancy under section 49 of the Act. The tenant therefore was under no obligation to move. Rather than seek advice or apply for an order that the landlord comply with the Act, the tenant chose to accept the landlord's verbal notice and move out. I therefore find that the tenant is not entitled to monetary compensation under section 51.

### Conclusion

The landlord's application is withdrawn.

The tenant's application 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: December 24, 2014

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Residential Tenancy Branch

