



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Valley Realty Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC OLC FF

Introduction

This hearing dealt with an application by the tenant for a monetary order pursuant to Section 51 of the Act and an order that the landlord comply with Section 51 of the Act. The tenant has also requested recovery of her \$50.00 filing fee from the landlord. Although personally served with the Application for Dispute Resolution and Notice of Hearing on August 12, 2015, the landlord failed to appear for this hearing.

Issue(s) to be Decided

Is the tenant entitled to the requested orders?

Background and Evidence

This tenancy began on March 15, 2015. The rent was \$1700.00. The tenant was served with a 2 Month Notice to End Tenancy with an effective date of July 31, 2015. The tenant ended up being able to find a new place to live for July 15, 2015 and gave the required 10 days' written notice to the landlord. The tenant then advised the landlord that under Section 51 of the Act she was to receive the equivalent of one month's rent and that the landlord should refund her half of the rent she paid for June. The landlord refused to comply.

Analysis

Section 51 of the Act says that a tenant who receives a notice to end tenancy [for landlord's use of property] is entitled to receive from the landlord an amount that is the equivalent of one month's rent payable under the tenancy agreement.

In this case, the tenant ended the tenancy earlier than required by the 2 Month Notice and gave the landlord 10 Days' written notice of such which she was entitled and required to do under Section 50 of the Act.

However, because the tenant moved out of the rental unit half way through July, she is still owed one half of a month's rent. In other words, the landlord must comply with Section 51 of the Act and refund to the tenant the sum of \$850.00 representing half of the rent she paid for June.

Conclusion

I order the landlord to comply with Section 51 of the Act.

I further order that the landlord pay to the tenant the sum of \$850.00 representing one half of the rent for June that was paid by the tenant. I further order that the landlord reimburse the tenant her \$50.00 filing fee for a total monetary order of \$900.00

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: January 25, 2016

Residential Tenancy Branch

