



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNDC

### **Introduction**

The tenant made the application but did not attend the hearing. Only the landlord attended and confirmed the tenant served the Application/Notice of Hearing on her by registered mail. The tenant applied pursuant to the *Residential Tenancy Act* (the Act) for an Order to compensate the tenant with double the rent pursuant to sections 49 and 51 as the landlord did not use the unit according to the stated purpose.

### **Issue(s) to be Decided:**

Has the tenant proved on the balance of probabilities that the landlord did not use the unit for the stated purpose in the section 49 Notice and he is entitled to double the monthly rent pursuant to section 51 of the Act?

### **Background and Evidence**

Only the landlord attended the hearing. After waiting 10 minutes, the hearing proceeded in the tenant's absence. The landlord was given opportunity to be heard, to present evidence and make submissions. The landlord said the tenant had lived in the unit since approximately 2008 until 2015. They served the two month Notice to End Tenancy for her daughter was between jobs and needed to live in the unit which was in their home. The landlord has since sold the house and moved to a different address.

The tenant provided no documents and did not attend to support their claim.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

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### **Analysis:**

I find insufficient evidence to support the tenant's claim. I dismiss it in its entirety without leave to reapply.

### **Conclusion:**

I dismiss the tenant's claim in its entirety without leave to reapply.

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 03, 2016

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Residential Tenancy Branch

