



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC FF

Introduction

This hearing dealt with the tenant's application for monetary compensation. The tenant participated in the teleconference hearing but the landlord did not.

The tenant submitted evidence to establish that the landlord was served with the application for dispute resolution and notice of hearing by registered mail sent on October 8, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on October 13, 2015, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation as claimed?

Background and Evidence

The tenant's monthly rent was \$700.00. The tenant provided evidence that on April 30, 2014 he was served with a two-month notice to end tenancy for landlord's use. The notice indicated that the reason for ending the tenancy was that the landlord intended to occupy the rental unit. The tenancy ended on June 30, 2014, pursuant to the notice to end tenancy.

The tenant stated that a new tenant began occupying the rental unit on July 1, 2014, and that tenant was still in the rental unit at the time of the hearing. The tenant stated that he knew the new tenant was not a close family member of the landlord because the landlord and the new tenant are from different ethnic backgrounds.

Analysis

Under section 52 of the Act, when a tenant is served with a notice to end tenancy for landlord's use and the landlord does not use the rental unit for the purpose set out in the notice, the tenant is entitled to compensation equivalent to two months of rent.

In this case, I accept the tenant's undisputed evidence that the landlord or a close family member did not occupy the rental unit. I therefore find that the tenant is entitled to monetary compensation of \$1,400.00.

As the application was successful, the tenant is entitled to recovery of the \$50.00 filing fee for the cost of his application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$1,450.00. 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 25, 2016

Residential Tenancy Branch