



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for loss under the Act, regulation or tenancy agreement pursuant to section 67;

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

Issues

Is the tenant entitled a monetary order for compensation for loss?

Background & Evidence

The tenancy for this main portion of a residential house began approximately 2 1/2 years ago with a previous landlord who recently sold the property to the current landlord. The monthly rent was \$1,350.00.

On May 26, 2016, the landlord served the tenants with a 2 Month Notice to End Tenancy for Landlord's Use of Property with an effective date of July 31, 2016. As per the Notice, the grounds for issuing the Notice was the rental unit will be occupied by the landlord or the landlord's close family member.

The tenants vacated the rental unit on June 30, 2016.

The tenants are claiming an amount equivalent to double the monthly rent as compensation for the landlord not using the rental property for his own use after issuing the 2 Month Notice to End Tenancy.

In support of their claim, the tenants submitted that the rental house was just renovated and sold after they vacated and that the landlord did not move into the rental unit. The tenants submitted a picture of a for sale ad for the house posted on Craigslist.

The landlord submits that the house was not in any condition to move into after the tenants vacated. The landlord renovated the house and it was sold after renovating as it was no longer in the landlord's budget. The house was sold in the 1st week of November. The landlord also submits that the Act permits a landlord to end a tenancy if the landlord sells the property and the purchaser plans to move in.

Analysis

Section 51 (2) of the Act provides that if steps have not been taken to accomplish the stated purpose for ending the tenancy under section 49 within a reasonable period after the effective date of the notice, or the rental unit is not used for that stated purpose for at least 6 months beginning within a reasonable period after the effective date of the notice the landlord, or the purchaser, as applicable under section 49, must pay the tenant an amount that is the equivalent of double the monthly rent payable under the tenancy agreement.

I find that the landlord has not utilized the rental unit for the purpose stated in the 2 Month Notice. The landlord acknowledged that the rental unit was renovated as it was not in a livable condition after which it was sold. By selling the rental unit, the landlord did not utilize the rental unit for the stated purpose for at least six months. The purpose stated in the Notice was for the landlord to move into the rental unit. The landlord's argument that the Act permits a landlord to end a tenancy if the landlord sells the property is not valid. A landlord may end a tenancy on this ground but only after all the conditions for the sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give Notice because the purchaser intends to occupy the rental unit. In this case, the rental unit was sold after the Notice had already been given.

I allow the tenants claim for an amount equivalent to double the monthly rent and award an amount of \$2700.00, which is double the monthly rent of \$1350.00.

Conclusion

Pursuant to section 67 of the *Act*, I grant the tenants a Monetary Order in the amount of \$2,700.00. Should the landlord fail to comply with this Order, this Order 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: November 15, 2016

Residential Tenancy Branch