



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, OLC

Introduction

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

- authorization to recover the filing fee for its application from the landlord pursuant to section 72; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Only the tenant appeared at the hearing. The tenant provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The tenant testified and supplied documentary evidence that he served the landlord with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on July 25, 2018, and deemed received under the Act five days later. The tenant had provided tracking information from Canada Post indicating the mail had been unclaimed. I find the landlord has been deemed served in accordance with sections 89 and 90 of the Act.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

Preliminary Issue

The tenant has applied seeking an order to have the landlord comply with the Act, regulation or tenancy agreement. The tenant advised that he did not "check off" the monetary box on his application but the details of his dispute clearly show that it was for a monetary order as a result of the landlord issuing a Four Month Notice to End

Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit. The tenant requested that the application be amended to reflect the request for a monetary order. In accordance with section 64(3)(c) of the Act, this application is amended to include a monetary request.

Issue to be Decided

Is the tenant entitled to a monetary order?

Is the tenant entitled to an order to compel the landlord to comply with the Act, regulation or tenancy agreement?

Is the tenant entitled to recover the filing fee for this application from the landlord?

Background, Evidence

The tenant's undisputed testimony is as follows. The tenancy began on March 1, 2012 and ended on July 31, 2018. The tenants were obligated to pay \$1000.00 per month in rent in advance. The tenant testified that the landlord issued a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit on June 15, 2018 with an effective date of November 1, 2018 on the basis that the unit was going to be renovated and that vacant possession was required. The tenant testified that on July 1, 2018 he gave the landlord notice that he would be moving out by the end of the month. The tenant testified that the landlord refused to pay him one month's compensation as required. The tenant requests \$1000.00 plus his \$100.00 filing fee.

Analysis

The tenant provided extensive documentation to support his claim. The Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit prepared by, signed by and served by the landlord on the tenant clearly states that the tenant is entitled to one month's compensation.

Section 51 of the Act addresses the issue before me as follows.

Tenant's compensation: section 49 notice

51 (1) 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.

Based on the documentary evidence before me, and the undisputed testimony of the tenant, I find that the tenant is entitled to \$1000.00. The tenant is also entitled to the recovery of the \$100.00 filing fee.

Conclusion

The tenant has established a claim for \$1100.00. I grant the tenant an order under section 67 for the balance due of \$1100.00. 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: September 11, 2018

Residential Tenancy Branch