



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT, FFT

### Introduction

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

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- a monetary order for money owed or compensation for damage or loss under the *Act, Regulation* or tenancy agreement, pursuant to section 67; and
- authorization to recover the filing fee for its application from the tenant, pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony and to make submissions. The parties confirmed that they had exchanged their documentary evidence.

### Preliminary Issue- Notice to End Tenancy

At the outset of the hearing both parties advised that the landlord made a written request on December 21, 2019 asking that the tenants move out by March 1, 2020. There was a further email from the landlord on December 31, 2019 confirming that he wished to end the tenancy. The tenants found another home and moved out on January 9, 2020. Both parties gave testimony that the emails from the landlord requesting the tenants move out was the only notice ever given.

### Analysis

Both parties confirmed that an email request was made by the landlord asking the tenants to end the tenancy and move out. Both parties confirmed that a notice to end tenancy in the approved form was never issued by the landlord. The tenant is seeking compensation under section 51 of the Act pursuant to being given a notice under section 49 of the Act. However, as there wasn't a notice issued under section 49 of the

Act by the landlord but only an email request, the tenants are not entitled to any compensation. This was explained to the tenant who indicated that he understood.

### Conclusion

The tenant's application is dismissed 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: January 05, 2021

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Residential Tenancy Branch