



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, FFT

Introduction

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

:

- 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 sent a text message on August 13, 2020 asking that the tenants move out by November 1, 2020. There was a further phone conversation where the parties agreed that the tenants could move out on December 1, 2020. The tenants found another home and moved out a few days after December 1, 2020. The tenants gave testimony that the text message from the landlord requesting the tenants move out was the only notice ever given.

Analysis

The tenants confirmed that a text request was made by the landlord asking the tenants to end the tenancy and move out. The tenants confirmed that a notice to end tenancy in the approved form was never issued by the landlord. The tenants are seeking compensation under section 51 of the Act pursuant to being given a notice under section 49 of the Act. Section 51(1) of the Act requires that a landlord, **who gives a**

notice under section 49, including the form of notice that is the subject of this application, must pay the tenant an amount equivalent to one month's rent. However, as there wasn't a notice issued under section 49 of the Act by the landlord but only a *text request*, the tenants are not entitled to any compensation. This was explained to the tenants 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: May 11, 2021

Residential Tenancy Branch