



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDCT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the *Residential Tenancy Act* (the “Act”) to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property, (the “Notice”) which was received on August 10, 2022, with an effective date of November 30, 2022, for monetary compensation that is equal to 12 months rent pursuant to section 51 of the Act, to have the landlord comply with the Act and to recover the filing fee.

At the outset of the hearing the tenants indicated they vacated the rental on September 1, 2022, as the tenancy has legally ended, I find I do not need to consider the merits of the Notice or the tenants request to have the landlord comply with the Act, as it is related to the Notice. Therefore, I dismiss this portion of the tenants’ claim without leave to reapply.

The tenants are seeking the equivalent of 12 times their monthly rent; however, I find the tenants’ application is premature.

Section 51 (2) of the Act states that.

Subject to subsection (3), the landlord or, if applicable, the purchaser who asked the landlord to give the notice must pay the tenant, in addition to the amount payable under subsection (1), an amount that is the equivalent of 12 times the monthly rent payable under the tenancy agreement if the landlord or purchaser, as applicable, does not establish that

(a)the stated purpose for ending the tenancy was accomplished within a reasonable period after the effective date of the notice,

and

(b)the rental unit, except in respect of the purpose specified in section 49 (6) (a), has been used for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

In this case, the tenants claim compensation for 12 times the monthly rent even before the tenancy has ended. However, the landlord's obligation to accomplish the stated purpose within the Notice, begins within a reasonable period after the effective date which in this case is November 30, 2022, not when a tenants' exercises their right to end the tenancy earlier.

As the effective date within the Notice has not yet occurred. I find the tenant's application was filed premature. Therefore, I decline to hear the tenants request for compensation pursuant to section 51 of the Act. I granted leave to reapply, only after a reasonable period after the effective date has occurred.

I have not granted the tenants their filing fee as the only issue for me to consider at todays hearing was the tenants' compensation which was filed prematurely. Therefore, I dismiss the tenants' application for the recover of the filing fee.

.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: October 10, 2022

Residential Tenancy Branch