



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      MNETC, FFT

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on April 25, 2023. The Tenants applied for compensation from the Landlord related to a notice to end tenancy and to recover the filing fee, pursuant to the Residential Tenancy Act (the Act).

The Tenants attended the hearing on their own behalf. The Landlord attended the hearing and was assisted by CS and TC, family members. All in attendance provided a solemn affirmation at the beginning of the hearing.

During the hearing, IT and GT confirmed that ST, their daughter, is a minor. Accordingly, with the agreement of the parties, and pursuant to section 64(3) of the Act, I amend the Tenants' application to remove ST as a party.

The Tenants applied for compensation under section 51(2) of the Act. That provision confirms that compensation may be due if a landlord issues a notice to end tenancy under section 49 of the Act, but does not take steps to accomplish the stated purpose for ending the tenancy within a reasonable period after the effective date of the notice, or if the rental unit is not used for the stated purpose for at least 6 months' duration.

In this case, the Tenants confirmed they did not receive a notice to end tenancy issued under section 49 of the Act. Rather, they received a notice to end tenancy issued under section 47 of the Act. A copy of a One Month Notice to End Tenancy for Cause, dated January 27, 2023, was submitted into evidence.

Considering the above, I find the Tenants did not receive a notice to end tenancy issued under section 49 of the Act that would make them eligible to apply for compensation under section 51(2) of the Act. As a result, I find that the Tenants' application is dismissed without leave to reapply.

Conclusion

The Tenants' application is dismissed 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: September 29, 2023

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Residential Tenancy Branch