DECISION

Dispute Codes: MNDC, FF

This hearing dealt with an application by the tenants for a monetary order for compensation under the *Residential Tenancy Act* and recovery of the filing fee for the cost of the application. Despite having been served the notice of hearing and application for dispute resolution by registered mail on December 8, 2008, the landlord did not attend the hearing.

The tenancy began on November 1, 2007. A monthly rent in the amount of $1480.00 was payable in advance on the first day of each month. On August 31, 2008, the landlord served the tenants with a notice to end tenancy for landlord's use of property. On September 10, the tenants gave notice to the landlord that they would be moving out at the end of the month. The tenancy ended on September 30, 2008.

The tenants contended that the rental unit was not used for the purpose stated in the notice to end tenancy. They are therefore seeking compensation as stipulated by Section 51 of the *Act*. To support their claim, the tenants provided a written chronology of activities by a realtor, RC, in her efforts to sell the rental unit for the period between September 7 to 15. The tenants also submitted a copy of a real estate listing of the rental unit by RC dated September 15. In addition, they submitted a letter from the landlord dated November 15 acknowledging that the rental unit was sold in November.

Based on the above, I find that the rental unit was not used for that stated purpose after the effective date of the notice. In accordance to Section 51 of the *Act*, the landlord must therefore pay the tenants an amount equal to double the monthly rent payable under the tenancy agreement.

I find that the tenants have established a claim for compensation in the amount of $2960.00. The tenants are also entitled to recover the $50.00 filing fee for this

application. I grant the tenants an order under section 67 for the balance due of $3010.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 28, 2009.