



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

**Dispute Codes:** *MNDC*

### **Introduction**

This hearing dealt with the tenant's application for compensation for loss under the Act, pursuant to Section 67 of the *Residential Tenancy Act*. Both parties participated in the hearing and each gave affirmed testimony.

### **Issue to be Decided**

- Whether the tenant is entitled to compensation for loss under the Act.

### **Background and Evidence**

The tenant was served a two month notice to end tenancy for landlord use, in April 2008 with an effective date of June 30, 2008. The landlord had sold the property and served the notice to the tenant, at the request of the new owner. The new owner's intention was for his parents to occupy the home. However, upon their visit in July, from out of province, they changed their plans for health reasons. The new owner completed some renovations and advertised the availability of the unit in the local newspaper. The unit remained vacant for five months before a new tenant was found.

During the hearing the parties respectfully afforded each other an opportunity to set out their differing perspectives on events leading up to the dispute.

### **Analysis**

Pursuant to section 63 of the *Act*, during the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. Specifically, it was agreed as follows, that:

- The new owner will pay the tenant compensation in the amount of \$1000.00;
- The tenant will accept \$1000.00 in full and final settlement of the tenant's claim;

- After the above transaction, no monies remain payable by either party to the other;
- The parties will exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to the landlord – tenant relationship.

**Conclusion**

Pursuant to the above agreement, I grant the tenant a monetary order in the amount of **\$1000.00** in full and final satisfaction of the tenant's claim for compensation under the Act, with regard to the dispute rental unit. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 03, 2009.

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Dispute Resolution Officer