



# Dispute Resolution Services

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

## Decision

Dispute Codes: MNDC, FF

### Introduction

This hearing dealt with an application by the tenant for a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on or about February 18, the landlord did not participate in the conference call hearing.

### Issue(s) to be Decided

Is the tenant entitled to compensation under section 51(2) of the Act?

### Background and Evidence

The tenant testified that on or about September 1, 2008 he was given a two-month notice to end tenancy effective November 1, 2008 (the "Notice"). The Notice was given on the basis that the landlord or a close family member intended to occupy the rental unit. The tenant testified that during a dispute resolution hearing held on January 13 the landlord testified that he had re-rented the rental unit. The tenant submitted into evidence a statement signed by the landlord and entered into evidence in the January 13 hearing in which the landlord stated that there was a tenant living in the rental unit.

The tenant testified that he paid \$675.00 per month in rent during his tenancy.

### Analysis

The tenant seeks compensation pursuant to section 51(2) of the Act which provides as

follows:

51(2) In addition to the amount payable under subsection (1), if

51(2)(a) steps have not been taken to accomplish the stated purpose for ending the tenancy under section 49 within a reasonable period after the effective date of the notice, or

51(2)(b) the rental unit is not used for that stated purpose for at least 6 months beginning within a reasonable period after the effective date of the notice,

the landlord, or the purchaser, as applicable under section 49, must pay the tenant an amount that is the equivalent of double the monthly rent payable under the tenancy agreement.

I accept the tenant's undisputed testimony and find that the landlord did not take steps to accomplish the purpose stated in the Notice within a reasonable period after the effective date of the Notice. I find the tenant is entitled to an award equivalent of double the monthly rent payable under the tenancy agreement.

### Conclusion

I grant the tenant a monetary order under section 67 of the Act for \$1,400.00 which represents double the monthly rent and the \$50.00 filing fee paid to bring this application. This order may be filed in the Small Claims Division of the Provincial Court of British Columbia and enforced as an order of that Court.

Dated May 04, 2009.