



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders, with an amendment, as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant entitled to compensation and recovery of the filing fee?

### Relevant Background and Evidence

The following are undisputed facts: The tenancy started on February 1, 2013. Rent of \$1,100.00 was payable monthly. The Landlord gave the Tenant a two month notice to end tenancy for landlord’s use dated October 16, 2015 with an effective date of December 31, 2015 (the “Notice”). The Tenant gave a 10 day notice and moved out of the unit on November 30, 2015. The Tenant provided the forwarding address on November 18, 2015. The Landlord returned the security and pet deposit but did not pay the Tenant an amount equivalent to one month’s rent.

The Tenant claims \$1,100.00 and recovery of the filing fee.

Analysis

Section 51 of the Act provides that a tenant who receives a notice to end a tenancy for landlord's use of property is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement. Section 50 of the Act provides that a tenant's subsequent notice to end the tenancy in 10 days does not affect the right to the compensation under section 51. Based on the undisputed evidence that the Landlords gave the Tenant the Notice and did not give the Tenant the equivalent of one month's compensation on or before December 31, 2015, I find that the Tenant is entitled to the compensation claimed of **\$1,100.00**. The Tenant is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of **\$1,150.00**.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **1,150.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: August 08, 2016

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Residential Tenancy Branch