



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. on October 17, 2023 by way of conference call concerning an application made by the tenant seeking monetary compensation for the landlord's failure to act in good faith and use the rental unit for the purpose contained in a Two Month Notice to End Tenancy For Landlord's Use of Property, and to recover the filing fee from the landlord for the cost of the application.

The tenant and the named landlord attended the hearing, during which the parties agreed that the named landlord is the seller of the rental unit.

The evidence provided shows that the landlord named in this application was asked by the purchaser to give the Two Month Notice to End Tenancy For Landlord's use of Property because the purchaser or close family member intends in good faith to occupy the rental unit.

The *Residential Tenancy Act* states:

51 (2) Subject to subsection (3), the landlord or, if applicable, the purchaser who asked the landlord to give the notice must pay the tenant, in addition to the amount payable under subsection (1), an amount that is the equivalent of 12 times the monthly rent payable under the tenancy agreement if the landlord or purchaser, as applicable, does not establish that

(a) the stated purpose for ending the tenancy was accomplished within a reasonable period after the effective date of the notice, and

(b) the rental unit, except in respect of the purpose specified in section 49 (6) (a), has been used for that stated purpose for at least 6 months'

duration, beginning within a reasonable period after the effective date of the notice.

The seller has no control over who occupies the rental unit after it has sold, and I find that the tenant has named the previous landlord as a respondent, not the purchaser who asked the landlord to give the Notice.

Therefore, I dismiss the tenant's application.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: October 17, 2023

Residential Tenancy Branch