



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** MNR, FF

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order for loss of income, cost arising from a circumstance where there were not sufficient funds in the tenant's bank account, and the filing fee for this application. Both parties participated in the hearing and each gave affirmed testimony. All of the testimony and documentary evidence was carefully considered.

### **Issue to be Decided**

- Whether the landlord is entitled to a monetary order for any or all of the above.

### **Background and Evidence**

A verbal agreement was entered into by the parties for a month-to-month tenancy commencing on January 2, 2008. Rent in the amount of \$700.00 is payable in advance on the first day of each month. Sometime in November 2007 the landlord collected a security deposit from the tenant in the amount of \$350.00. The landlord obtained post-dated monthly rental cheques from the tenant which included rent for August 2008. At some point during the tenancy the tenant verbally assured the landlord of her intention to continue the tenancy through August 2008.

On or around June 17, 2008 the tenant gave verbal notice to the landlord of her intent to end the tenancy on June 21, 2008. Subsequently, the landlord mailed the tenant's security deposit back to her in addition to the tenant's post-dated rental cheque for August 2008. However, the landlord informed the tenant of her intent to cash the

tenant's post-dated rental cheque for July 2008, in the event she was unable to rent the unit effective July 1, 2008. In spite of her efforts, the landlord was unable to find another renter for July. Accordingly, the landlord undertook to cash the tenant's post-dated cheque for July's rent but found there were not sufficient funds in the tenant's bank account.

### **Analysis**

Based on the testimony of the parties, I find that they entered into a month-to-month tenancy for the period from January 1, 2008 through to the end of August 2008. I find that the tenant failed to give one month's written notice to end tenancy. I accept the landlord's testimony that although she was able to find a new renter commencing in August 2008, she was unable to secure a new renter for the month of July 2008.

In the result, I find the landlord has established a claim for loss of income in the amount of \$700.00 for the month of July 2008. The landlord is also entitled to recovery of cost arising from the tenant's cheque for which there were not sufficient funds in the amount of \$10.00, in addition to recovery of the \$50.00 filing fee.

### **Conclusion**

I hereby grant the landlord a monetary order pursuant to section 67 of the *Residential Tenancy Act* for \$760.00. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Small Claims Court and enforced as an order of that Court.

September 23, 2008