



# **Dispute Resolution Services**

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

**Dispute Codes:** MNDC, FF

## **Introduction**

This hearing dealt with an application by the tenant for a monetary order including recovery of the filing fee. The tenant participated in the hearing and gave affirmed testimony. Despite being served with the notice of hearing and application for dispute resolution by registered mail dated July 24, 2008, the landlord did not attend. All of the testimony and documentary evidence was carefully considered.

## **Issue(s) to be Decided**

- Whether the tenant is entitled to a monetary order

## **Background and Evidence**

The tenancy began on September 1, 2007. Rent in the amount of \$400.00 is payable in advance on the first day of each month. The tenant provided the landlord with 7 post-dated rental cheques from September 2007 through to March 2008. There was no written tenancy agreement and the parties agreed verbally to an indefinite term of tenancy. Over the telephone on or around November 8, 2007, the tenant gave the landlord verbal notice of her intent to vacate the unit on or around November 13, 2008. On or around November 13, 2007 the landlord had the locks changed. Despite the tenant's instruction to her bank not to deposit the post-dated cheques into the landlord's account dated the first of December 2007 and January, February and March 2008, these cheques were deposited. The tenant submitted into evidence copies of the 4 post-dated cheques made payable to the landlord and stamped by the bank as "for deposit only." The tenant also provided the Canada Post registered mail tracking number for service of the notice of hearing and application for dispute resolution. The

tenant seeks recovery of \$1,600.00 comprising the total amount of 4 post-dated rental cheques from December 2007 to March 2008, in addition to recovery of the \$50.00 filing fee.

### **Analysis**

Despite failure to attend the hearing, I find that the landlord was properly served with the notice of hearing and application for dispute resolution. I also find that the tenant has established a claim for recovery of \$1,600.00 in compensation for loss. This comprises 4 months of rent. The tenant is also entitled to recovery of the \$50.00 filing fee.

### **Conclusion**

I hereby grant the tenant a monetary order under section 67 for \$1,650.00. This order must be served on the landlord and may be filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 29, 2008