



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** MN MNSD OP FF

## **Introduction**

This hearing was convened upon the application of the landlord seeking an Order of Possession, a monetary order, an order to retain the security deposit and recovery of the filing fee paid for this application.

Both parties attended and gave evidence under oath.

## **Summary of Submissions**

The landlord testified that the tenant's rent cheque issued for November was returned due to non-sufficient funds. The landlord served a 10 day Notice to End Tenancy and is requesting \$1,325.00 for November's rent as well as a \$25.00 "NSF" charge pursuant to the tenancy agreement. The landlord requests an Order of Possession based on the 10 day notice.

The tenant testified that he has no argument with the landlord that he intends to move out tomorrow which is December 2, 2008.

The landlord argued that if the tenant is not leaving today that the landlord is entitled to December's rent as well. The landlord testified that he had not taken any steps to re-rent the premises because he was not aware, until this hearing, what the tenant's intentions were.

## **Findings**

The form of 10 day Notice to End Tenancy served by the landlord is outdated and does not reflect proper section numbers. I therefore dismiss the landlords request for an Order of Possession based on that Notice.

With respect to the monetary claims, I find that the landlord is entitled to rent for November, the "NSF" service charge and I will award the landlord one half of a month's rent for December, 2008 with leave to the landlord to reapply for additional rent and/or damages as may be necessary.

In partial satisfaction of the monetary award I will allow the landlord to retain the security deposit and accumulated interest.

I will also allow the landlord to recover the filing fee paid for this application.

**Calculation of Monetary Award in favour of the Landlord:**

Rental Arrears(November and ½ December)	\$2,600.00
Filing Fees for the cost of this application	50.00
Non-Sufficient Funds Charge	25.00
Less Security Deposit and interest from 1 September 2008 to the date of this Order	-652.45
<b>Total Monetary Award</b>	<b>\$2,022.55</b>