



Dispute Resolution Services

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

Decision

Dispute Codes: CNR, MNDC

Introduction

This hearing dealt with an application by the tenant for cancellation of a 10 day notice to end tenancy for unpaid rent, in addition to a monetary order for compensation for loss. Both parties participated in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the tenant is entitled to cancellation of notice to end tenancy and a monetary order under the *Act*

Background and Evidence

This is a month-to-month tenancy. Rent is paid at the start of each month by way of the landlord's withdrawal of funds from the tenant's bank account. This arrangement is formally preauthorized by the tenant. Effective November 1, 2008, the rent became \$700.00, an increase from what had been \$675.00. The tenant was informed of the rent increase in advance by way of registered mail dated July 24, 2008.

Arising from the rent increase, the tenant was obliged to update the landlord's preauthorization form for withdrawal of rental monies from her bank account in the revised amount. As the tenant did not undertake to do this in time for the withdrawal of November's rent, the full amount of November's rent was unable to be withdrawn from the tenant's bank account. In the result, fees were assessed against the tenant by the bank and by the landlord. Further to this, the tenant was issued with a 10 day notice to end tenancy for unpaid rent.

Subsequently, the tenant paid the full amount of rent due for November and December, and the landlord withdrew the notice to end tenancy. The tenancy, therefore, continues in full force and effect.

During the hearing the landlord's agent emphasized the importance of the tenant's timely completion of an updated preauthorization form. Specifically, this must be done in time for withdrawal of rent from her account in the correct amount of \$700.00 commencing January 1, 2009. In the alternative, the tenant may chose to attend the landlord's place of business and pay the rent in person at the start of each month.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant was properly served with a notice of rent increase. As the tenant is currently up-to-date with payment of rent and the landlord has withdrawn the notice to end tenancy, I also dismiss the tenant's application for cancellation of a notice to end tenancy.

I find that it is properly the responsibility of the tenant to update the landlord's preauthorization form which ensures that the correct amount of rent can be withdrawn from her bank account at the beginning of each month. Accordingly, I dismiss the tenant's application for compensation for loss stemming from charges assessed after she failed to update this form in time for the withdrawal of November's rent.

Conclusion

I hereby dismiss the tenant's application for cancellation of the notice to end tenancy and her application for compensation for loss.

DATE: December 5, 2008

Dispute Resolution Officer

