



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant testified that she obtained the landlord's address and name from the resident manager at the subject building and sent the application for dispute resolution and notice of hearing to that name and address. I find that the landlord was properly served with notice of this hearing and the hearing proceeded in their absence.

### Issues(s) to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

The tenant's undisputed testimony is as follows. During the tenancy the tenant paid her rent through an automatic withdrawal from her checking account. On June 23, 2009 the tenant served the landlord with notice that she would be ending her tenancy effective July 31, 2009. The tenant vacated the rental unit on July 31. On August 5 the landlord withdrew \$970.63 from the tenant's bank account, prompting the bank to transfer money from another of the tenant's accounts in order to cover the withdrawal, and assessing a \$2.00 fee for that action. The tenant made numerous written requests to the landlord for the return of the funds, but as of the date of this hearing, had received no response.

Analysis

I accept the tenant's undisputed testimony and find that the landlord wrongfully withdrew \$970.63 from the tenant's bank account and caused her to incur a \$2.00 bank fee. I find that the tenant is entitled to recover the monies withdrawn as well as the bank fee. I further find that the tenant is entitled to recover the \$50.00 filing fee paid to bring her application. I grant the tenant a monetary order under section 67 for \$1,022.63. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is awarded \$1,022.63.

Dated: January 11, 2010

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