



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, OPB, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord submitted evidence showing that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on January 19 and that she signed for the documents on January 25, 2010. I found that the tenant had been properly served with notice of the claim and the hearing proceeded in her absence.

At the outset of the hearing the landlord testified that the tenant had vacated the rental unit on February 12, 2010. As an order of possession is no longer required I consider that claim to have been withdrawn.

### Issues(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on October 1, 2009. Rent was set at \$875.00 per month and a security deposit of \$437.50 was paid. For the month of January, the tenant gave the landlord two cheques to cover her rent, one for \$500.00 dated January 1, 2010 and the second for \$375.00 dated January 5, 2010. The \$500.00 cheque was returned by the bank for insufficient funds (NSF). The \$375.00 cheque was successfully negotiated. The landlord seeks a monetary award for

\$500.00 in unpaid rent for January, \$875.00 in lost income for February, \$20.00 in NSF fees and recovery of the \$50.00 filing fee she paid to bring her application. The landlord testified that she was unaware of how much the bank charged her for the NSF cheque, but that she believed it to be less than \$10.00.

### Analysis

I accept the landlord's undisputed testimony and find that the tenant failed to pay \$500.00 of the rent owing in the month of January. I find that the tenant should be held responsible for the NSF fees as well, which I set at \$9.00. I find that the tenant did not vacate the rental unit until February 12, thereby causing the landlord to lose rental income for that month. I find that the landlord is entitled to recover the filing fee paid to bring this application.

### Conclusion

I award the landlord \$1,434.00 which represents \$500.00 in rental arrears for January, \$875.00 in lost income for February, \$9.00 in NSF fees and \$50.00 for the filing fee. I order the landlord to retain the \$437.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$996.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Dated: February 23, 2010

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