



Dispute Resolution Services

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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 also seeks recovery of the filing fee from the landlord. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on July 9, 2010 the landlord failed to attend the hearing.

Issues(s) to be Decided

Is the tenant entitled to a monetary order?

Background and Evidence

This tenancy began in November 2007. The rent was originally \$900.00 per month but went up to \$928.80 in May 2010. The tenant had provided the landlord with post-dated cheques for the \$900.00 rent and then provided new cheques for the \$928.80 rent. On July 2, 2010 the landlord cashed both cheques for that month thus sending the tenant's bank account into overdraft. The tenant was then charged a \$42.50 NSF fee by her bank. The tenant sought to recover this amount from the landlord to no avail.

Analysis

Based upon the above facts, I am satisfied that the landlord is liable for the tenant's monetary loss of \$42.50. The landlord cashed two cheques when she should only have cashed one.

Conclusion

I hereby order the landlord to pay to the tenant the sum of \$42.50. I further order the landlord to reimburse the tenant for the \$50.00 filing fee for this application. The tenant may deduct the sum of \$92.50 from her next rent cheque.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 24, 2010.

Dispute Resolution Officer