



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR

Introduction

This was an application by the landlord for a monetary order for unpaid rent. The hearing was conducted by conference call. The named landlord called in and participated in the hearing. The tenant did not attend although she was personally served with the application for dispute resolution and Notice of Hearing on August 9, 2010.

Issue(s) to be Decided

Is the landlord entitled to a monetary order in the amount claimed?

Background and Evidence

The tenancy began on June 1, 2009 for a fixed term ending May 31, 2010 and thereafter month to month. The monthly rent was \$1,550.00 payable on the first of each month. The tenant paid a security deposit of \$775.00 on May 31, 2009. The tenancy ended and the tenant moved out on or about May 3, 2010.

During the tenancy several of the tenant's cheques were returned to the landlord marked "NSF". Cheques issued as replacements were also dishonoured. Two months of rent payments totalling \$3,100.00 remained unpaid as of April 30, 2010. By agreement with the landlord the tenant paid \$775.00 by cheque on account of May rent and the landlord agreed to apply the tenant's security deposit to the rent due for May. The tenant's rent cheque in the amount of \$775.00 was returned NSF and the tenant vacated on May 3, 2010. The landlord has retained the tenant's security deposit on



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account of rent for May and he has requested a monetary order for the arrears of rent in the amount of \$3,100.00.

Analysis and conclusion

The landlord's bank records established that the tenant was two months in arrears of rent payments at the end of April, 2010. Her cheque for half of May's rent was returned "NSF" whereupon she moved out of the rental unit. Based on the landlord's testimony that the parties agreed that the security deposit would be applied to May's rent I order that the landlord retain the deposit in satisfaction of the tenant's obligation to pay rent for May and I grant the landlord a monetary order for rent arrears in the amount of \$3,100.00. The landlord did not request recovery of the filing fee and I make no order with respect to it. This order may be registered in the Small Claims Court and enforced as an order of that court.

Dated: December 30, 2010.
