



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, MNR, FF*

Introduction.

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord served the tenant with the notice of hearing by registered mail and filed a tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord informed me that the tenant was up to date on rent and that the landlord wished to withdraw her application for an order of possession. Therefore this hearing only dealt with the landlord's claim for a monetary order for the bank fee and the filing fee.

Background and Evidence

The landlord testified that the tenancy started on July 01, 2010. The monthly rent is \$1,025.00. The landlord filed a copy of the tenancy agreement. A clause in the agreement requires the tenant to pay \$25.00 for a cheque that is returned for insufficient funds. In November, the tenant paid rent by a cheque that was returned for insufficient funds. The landlord served the tenant with a notice to end tenancy. The tenant caught up on outstanding rent by making payment on December 01, 2011. At the time of the hearing the tenant owed the landlord \$25.00 in NSF fees. The landlord requested a monetary order for the NSF fee and the filing fee for this application.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant paid rent for November with a cheque that was returned. Therefore the tenant owes the landlord \$25.00. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee.

I find that the landlord has established a claim of \$75.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$75.00**.

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: December 07, 2011.

Residential Tenancy Branch