



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began March 1, 2008 with monthly rent of \$900.00 and the tenant paid a security deposit of \$450.00. The tenant provided the landlord with proper notice and vacated the rental unit on October 31, 2011; the security deposit was returned in full to the tenant.

The landlord testified that the tenants October 2011 rent cheque in the amount of \$900.00 was returned by the bank as NSF.

The tenant testified that the October 2011 rent cheque had not been cashed until November 2011 and that when she went to her bank to verify what funds had been taken from her account she saw that the date on the cheque had been changed from 2011/10/01 to 2011/11/01. The tenant stated that she then requested that the bank reverse the payment to the landlord.

The tenant did acknowledge that the October 2011 rent remains unpaid and wished to discuss the fact that the cheque had been altered however that is not an issue that the Residential Tenancy Act has jurisdiction over and it was suggested that the tenant talk to her bank.

Analysis

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$900.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$900.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$950.00**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: February 16, 2012

Residential Tenancy Branch