



# 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 for dispute resolution under the Residential Tenancy Act (the "Act") filed by the landlord seeking a monetary order for unpaid rent and to recover the cost of the filing fee from the tenant.

The parties appeared, the hearing process was explained and the parties were given an opportunity to ask questions about the hearing process.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and respond each to the other and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence **relevant** to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent and to recover the filing fee?

### Background and Evidence

The parties agreed that this tenancy began on November 1, 2011, monthly rent was \$650.00, and the tenant paid a security deposit of \$325.00 at the beginning of the tenancy.

The landlord's monetary claim listed on her application is in the amount of \$650.00 for unpaid rent for January 2012. In her application however, the landlord sets out clearly that she is also requesting reimbursement of a bank charge for \$7.00 for a returned rent cheque and registered mail fees.

The landlord submitted that the tenant failed to pay rent for January 2012, and that due to the sale of her home, effective January 4, 2012, the landlord was charged the amount of \$650.00 in the closing of the home sale.

The landlord submitted that the tenant promised to pay the amount of his returned cheque, in instalments, but has failed to do so.

The tenant acknowledged that he owed the amount of \$650.00, but requested to pay this amount in a payment plan.

### Analysis

Based on the above testimony and evidence, the tenant's agreement, and on a balance of probabilities, I find as follows:

I find that the landlord has established a total monetary claim of **\$707.00** comprised of unpaid rent for January 2012 of \$650.00, \$7.00 for a NSF fee and the \$50.00 fee paid by the landlord for this application.

As to the landlord's claim for the registered letter expenses for the provision of notice of this hearing to the landlord, the *Act* does not provide for the reimbursement of expenses related to disputes arising from tenancies other than the filing fee.

I therefore have not allowed the landlord recovery of registered mail expenses.

### Conclusion

I grant the landlord a monetary order pursuant to section 67 of the *Act* for the amount of her monetary claim, \$707.00.

I am enclosing the monetary order for **\$707.00** with the landlord's Decision. This order is a **final, legally binding order**, and may be filed in the Provincial Court (Small Claims) for enforcement should the tenant fail to comply with this monetary order.

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: May 22, 2012.

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Residential Tenancy Branch