



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed October 10, 2012 by the Tenant to obtain a Monetary Order for: money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, for the return of double his security deposit, and to recover the cost of the filing fee from the Landlord for this application.

The Tenant affirmed that he served the Landlord with his application for dispute resolution and hearing documents by registered mail. Based on the submissions of the Tenant I find the Landlord was sufficiently served notice of this proceeding, in accordance with the Act, and I continued in the Landlord's absence.

### Issue(s) to be Decided

1. Should the Tenant be awarded a Monetary Order?

### Background and Evidence

The Tenant advised that he had entered into a month to month tenancy that began on February 1, 2000. Rent was payable on the first of each month in the amount of \$900.00 and on February 1, 2000 the Tenant paid \$450.00 as the security deposit. After receipt of a 2 Month Notice to end tenancy the Tenant provided the Landlord fifteen days notice that he would be ending the tenancy early effective September 15, 2012.

At the outset of this proceeding the Tenant advised that he received a cheque from the Landlord last week in the amount of \$2,250.00, the full amount of his claim less the \$50.00 filing fee. He stated that he deposited the cheque on January 3, 2013 and his bank placed a hold on the money until the payment has cleared the Landlord's bank. He confirmed that he was happy to accept this amount as full satisfaction of his claim; however, he is not certain that the cheque has cleared the bank so he wished to proceed with getting a Monetary Order.

Analysis

Given the evidence before me, in the absence of any evidence from the Landlord who did not appear despite being properly served with notice of this proceeding, I accept the Tenant's affirmed testimony that he was in receipt of a cheque from the Landlord in the amount of \$2,250.00 and that he is awaiting confirmation from his bank that the payment has cleared.

The Tenant has sought a Monetary Order to support the Landlord's payment in the event the cheque does not clear the bank. Based on the foregoing, I find that the Landlord settled this matter by providing the Tenant a cheque. Therefore, I approve the Tenant's request for a Monetary Order in support of that settlement.

Conclusion

I HEREBY award the Tenant a Monetary Order in the amount of **\$2,250.00**. In the event the Landlord's cheque is not honored by the bank the Tenant must serve the Landlord the Monetary Order. The Order may be filed with the Province of British Columbia Small Claims Court 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: January 08, 2013.

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Residential Tenancy Branch