



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 was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on February 3, 2014 copies of the Application for Dispute Resolution and Notice of Hearing were personally delivered to the tenant at the address noted on the Application. Service, completed by the landlord, occurred at approximately noon.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

The tenant vacated the unit on either December 21 and 22, 2013; an Order of possession is not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for December 2013 rent in the sum of \$800.00?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on January 1, 2013; rent was \$800.00 per month.

The tenant gave notice at the end of November 2013 that she would be vacating at the end of December, 2013. The tenant issued a cheque for December rent; it was returned by the bank as NSF. The landlord supplied a copy of the cancelled cheque and a December 12, 2013 letter from his financial institution indicating the cheque was dishonoured.

The landlord has claimed compensation for unpaid December 2013 rent.

Analysis

In the absence of evidence to the contrary, I find that the tenant issued a cheque for December 2013 rent that was returned as NSF by the bank; verified by the bank record supplied as evidence.

As rent was not paid, I find, pursuant to section 65 of the Act, that the landlord is entitled to compensation in the sum of \$800.00 for December 2013 rent.

I find that the landlord's application has merit and that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Therefore, the landlord has established a monetary claim, in the amount of \$850.00, which is comprised of December 2013 rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$850.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid December 2013 rent.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: March 24, 2014

Residential Tenancy Branch

