



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Maude and MacKay & Co Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing dealt with an application by the tenant for a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement.

The tenant attended the teleconference hearing and gave evidence, however the landlord did not attend. The tenant gave evidence he personally served the manager with the Notice of a Dispute Resolution Hearing and Tenant's Application for Dispute Resolution on March 31, 2014. I find the landlord was properly served.

### Issue(s) to be Decided

Is the tenant entitled to a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement?

### Background and Evidence

The tenant gave evidence that his tenancy ended on March 31, 2014. He did not provide his forwarding address to the landlord in writing, however he provided it over the phone to the landlord on approximately April 1, 2014.

The tenant says the rent was \$795.00, and he and his roommate each paid \$397.50. The tenant says his rent was paid directly to the landlord by the Ministry of Social Development and Social Innovation (the "Ministry"). The tenant's evidence is that his April 2014 rent payment was sent to the landlord by the Ministry. The tenant provided a copy of a Ministry cheque for \$397.50 dated March 26, 2014 made payable to Broadview Holdings Ltd. The tenant gave evidence that the landlord also does business under the name "Broadview Holdings Ltd."

The tenant says he was unable to pay April 2014 rent at his new rental unit, and has been gradually catching up on outstanding rent since he moved there. The tenant seeks the return of the \$397.50 April rent payment from the landlord, on the basis that he vacated the rental unit before April 1, 2014.

### Analysis

I accept the undisputed evidence of the tenant that he vacated the rental unit prior to April 1, 2014, the Ministry paid April rent of \$397.50 to the landlord on his behalf, and the landlord has not returned the funds to him.

I find the tenant is entitled to recover the \$397.50 paid to the landlord on his behalf. I grant the tenant a monetary order for that amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the tenant a monetary order for \$397.50.

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: July 24, 2014

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Residential Tenancy Branch

