



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing was convened to address a claim by the tenant for a monetary order. The tenant provided evidence that he served the landlord with the application for dispute resolution and notice of hearing via registered mail sent on May 1, 2014. The tenant received the documents back from Canada Post marked unclaimed. The landlord cannot avoid service by neglecting to collect registered mail. I found that the landlord was served with the hearing documents in accordance with the provisions of the Act and the hearing proceeded in her absence.

### Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

The tenant's undisputed evidence is as follows. In December 2013, the landlord verbally advised the tenant that he needed to vacate the unit as she intended to occupy it. The tenant advised the landlord that she needed to serve him with a legal notice to end tenancy. The landlord did not serve the tenant with a legal notice pursuant to s. 49 until February 2, but the tenant chose to comply with her wishes and vacate the unit by March 1 as requested by the landlord.

At the end of the tenancy, the landlord issued to the tenant 2 cheques, one representing the security deposit and the second representing the equivalent of one month's rent pursuant to s. 51 of the Act. The security deposit cheque was successfully negotiated but the other cheque was returned for insufficient funds, incurring a \$7.50 administration fee. The tenant seeks a monetary order for the compensation owed and recovery of the administration fee and the \$50.00 filing fee paid to bring his application.

### Analysis

The landlord gave the tenant a notice to end tenancy under section 49 of the Act. Section 51 of the Act provides that when a landlord ends a tenancy in order to use the rental unit for their own purposes, the landlord must give the tenant compensation equivalent to one month's rent. I find that the tenant is entitled to \$875.00 and I award him that sum.

I find that the tenant is entitled to recover the \$7.50 administration fee for the returned cheque as the tenant would not have incurred that cost had the cheque cleared. I award the tenant \$7.50.

As the tenant has been successful in his application, I find that he should recover the \$50.00 filing fee and I award him that sum.

### Conclusion

The tenant has been awarded a total of \$932.50 and I grant the tenant a monetary order under section 67 for that amount. This order may be filed in the Small Claims Division of the Provincial 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: September 02, 2014

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Residential Tenancy Branch

