



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing was convened to address a claim by the landlord for a monetary order and an order to retain the security deposit. The tenant did not participate in the conference call hearing. The landlord's agent testified that he served the tenant with a copy of the notice of hearing and application for dispute resolution via registered mail sent on May 20, 2014. I was satisfied that the tenant had notice of the claim against them and the hearing proceeded in their absence.

At the hearing, the landlord's agent testified that the security deposit had been returned to the tenant. As the security deposit is no longer in the hands of the landlord, I consider that claim to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in November 2013 and ended on May 14, 2014. The tenant's rent cheque for the month of May was returned by the bank for insufficient funds. The landlord was charged \$45.00 for the returned cheque. The landlord seeks to recover the NSF fee charged by the bank as well as pro-rated rent at a rate of \$37.10 per day for the 14 days in May in which the tenant occupied the rental unit. The landlord also seeks to recover the \$50.00 filing fee paid to bring this application.

Analysis

I accept the landlord's undisputed testimony. I find that the tenant is obligated to pay occupational rent for the 14 days in which they occupied the rental unit in May and I

award the landlord \$519.40. I find that the tenant should be held responsible for the \$45.00 NSF fee and I award the landlord \$45.00. I further find that as the landlord has been successful in this application, he is entitled to recover the filing fee. I award the landlord \$50.00.

Conclusion

The landlord has been awarded \$614.40 and I grant the landlord a monetary order under section 67 for this sum. 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 25, 2014

Residential Tenancy Branch

