



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **CORRECTED INTERIM DECISION**

### Dispute Codes:

**MNDC, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid August 2015 rent, an Order of possession and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process.

They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. The tenant received the landlord's evidence in July 2015; the tenant did not make a written submission. I have considered all of the evidence and testimony provided.

### Preliminary Matters

The parties agreed that this tenancy ended on August 15, ~~2015~~ 2014. An Order of possession is not required.

### Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$1,400.00 for unpaid August ~~2015~~ 2014 rent?

### Background and Evidence

The parties agreed that the tenancy commenced on August 15, 2013. Rent was due on the first day of each month in the sum of \$1,400.00. A copy of the tenancy agreement was supplied as evidence.

A security deposit was paid. The landlord provided a copy of a monetary Order issued to the tenant on May 7, 2015 requiring the landlord to pay double the security deposit to the tenant.

The parties agreed that on July 11, ~~2015~~ 2014 the tenant gave the landlord written notice that she would vacate the rental unit effective August 15, ~~2015~~ 2014. A copy of this notice was submitted as evidence.

The landlord said that he did not agree to the tenant ending the tenancy on this date and that he is entitled to rent for the month of August ~~2015~~ 2014 as the notice was not sufficient. The landlord confirmed he received rent for July ~~2015~~ 2014 but nothing was paid for August. The landlord submitted a copy of a June 9, 2015 letter issued to the tenant, requesting payment of August **2014** rent in the sum of \$1,400.00. The letter included the following:

*"Pay the rent of \$1400 that was due for August 1, 2014 (**Amended**)"*

(Reproduced as written)

The tenant said that on July 15, ~~2015~~ 2014 she issued a rent cheque to the landlord in the sum of \$700.00 for the first two weeks of August. The tenant did not obtain a copy of this processed cheque for use as evidence as she saw in the landlord's evidence that he planned on obtaining information on all deposits from his bank. The landlord did not supply any evidence from his bank showing deposits made during the tenancy.

The tenant said that she discussed giving notice to the landlord effective August 15, ~~2015~~ 2014 and that the landlord had agreed to that date. Once the landlord had agreed the tenant issued her written notice. On August 15, ~~2015~~ 2014, when the tenant was vacating, the landlord began renovation work on the unit and by immediately removing walls. The landlord denied any work commenced on August 15, ~~2015~~ 2014. The landlord confirmed that he had workers enter the home on August 15, ~~2015~~ 2014 and that renovations were completed to the home in preparation for new occupants who moved in on September 1, ~~2015~~ 2014.

The tenant said she could attempt to obtain a copy of the cancelled cheque that had been issued on July 15, ~~2015~~ 2014. I determined that a fair process would include an opportunity for review of that evidence. Therefore, I Order that the tenant supply a copy of the front and back of the cheque issued to the landlord on July 15, ~~2015~~ 2014 in the sum of \$700.00.

No later than February 3, 2016 the tenant is to send a copy of the front and back of the July 15, 2015 cheque to the landlord's service address, provided on the landlord's application for dispute resolution. This evidence is to be sent via registered mail.

The tenant is to submit a copy of the front and back of the July 15, ~~2015~~ 2014 cheque to the Residential Tenancy Branch (RTB) no later than February 3, 2016. The tenant must

supply a copy of the landlord's registered mail tracking information to the RTB no later than February 3, 2016.

The landlord may serve a written rebuttal to the RTB and tenant no later than February 15, 2016. The landlord must serve the tenant with his rebuttal, via registered mail to the tenant's address indicated on the application for dispute resolution. This mail must be sent to the tenant no later than February 10, 2016. Proof of service by registered mail must be provided to the RTB no later than February 15, 2016.

I explained that if the tenant provides a copy of the cheque and the landlord does not respond to the evidence, as ordered, I will take that as confirmation by the landlord that he agrees \$700.00 was paid toward August 2015 2014 rent.

I explained that after February 15, 2016 either a final decision will be issued or a Notice of Reconvened Hearing will be sent to the parties.

This interim 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*.

CORRECTED DATE: February 18, 2016

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Residential Tenancy Branch

