



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, MNDC, SS, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit and to serve the tenant at his place of employment.

On September 18, 2015, the landlord applied for substitute service and was granted an order allowing him to serve the tenant at his place of employment. The landlord served the notice of hearing package by express post to the tenant's work place on September 28, 2015 and provided a tracking number. Upon tracking the package online, the tracking history indicates that the package was delivered on October 02, 2015.

Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord testified that he returned the security deposit to the tenant on the day he moved out. Therefore the landlord's application to retain the security deposit is moot and accordingly dismissed.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on May 15, 2015. The monthly rent is \$1,400.00 payable on the fifteenth of each month. The rental unit is located on the lower level of the landlord's home. The landlord lives upstairs.

The landlord stated that the tenant provided him with post-dated cheques. On or about August 15, 2015, the landlord deposited the tenant's rent cheque for the period of August 15 to September 15, 2015. The landlord testified that the tenant moved out on

August 30, 2015 without providing proper notice. Since the landlord lives upstairs, he spoke with the tenant on the day he was moving out and returned the security deposit to him. The tenant did not provide the landlord with a forwarding address.

The landlord testified that on September 02, 2015, he was notified by his bank that the tenant had put a stop payment on the rent cheque dated August 15, 2015. The landlord provided a copy of the returned cheque. The landlord has applied for a monetary order in the amount of \$1,400.00 for unpaid rent plus \$50.00 for the filing fee.

Analysis

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant did not pay rent that was due on August 15, 2015 and accordingly the landlord is entitled to \$1,400.00. Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$50.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1,450.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$1,450.00**.

The landlord may serve the monetary order on the tenant at his place of employment.

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: April 08, 2016

Residential Tenancy Branch