



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNDC; FF

### **Introduction**

This is the Tenant's application for compensation for damage or loss under the Act, Regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlord.

The Tenant gave affirmed testimony at the Hearing.

The Tenant testified that he served the Landlord by handing him the Notice of Hearing Documents on May 13, 2013. The Landlord provided documentary evidence to the Residential Tenancy Branch, but the Tenant stated he was not served with the Landlord's documents. Therefore, the Landlord's documentary evidence was not considered.

The Landlord, although duly served with the Notice of Hearing documents, did not sign into the Hearing which remained open for 20 minutes. The Hearing continued in the Landlord's absence.

### **Preliminary Matters**

The Tenant's Application for Dispute Resolution was amended to include a request for recovery of the filing fee.

### **Issue to be Decided**

Is the Tenant entitled to compensation pursuant to Section 67 of the Act?

### **Background and Evidence**

The Tenant gave the following testimony:

The Tenant testified that he moved out of the rental unit on May 1, 2013, and attended for a Condition Inspection Report on May 2, 2013. The Tenant stated that the Landlord

had cashed his May's rent cheque, so he gave the Tenant a cheque in the amount of \$600.00 to compensate the Tenant for his May rent cheque that should not have been cashed. The Landlord also returned the Tenant's \$300.00 security deposit on May 2, 2013.

The Tenant testified that the Landlord put a "stop payment" on the \$600.00 cheque saying that he was unsatisfied with the inspection because of some items the Tenant left at the rental property. The Tenant removed the items, but the Landlord only returned \$585.00 cash to the Tenant.

The Tenant seeks to recover the remaining \$15.00 from the Landlord.

### **Analysis**

I accept the Tenant's undisputed testimony. A search of the Residential Tenancy Branch's electronic filing system discloses no prior Order of the director providing that the Landlord could retain \$15.00 of May rent.

Therefore, I allow the Tenant's application. The Tenant has been successful in his application and I find that he is entitled to recover the cost of the \$50.00 filing fee.

### **Conclusion**

I hereby provide the Tenant a Monetary Order in the amount of **\$65.00** for service upon the Landlord. This Order may be filed in the Provincial Court of British Columbia (Small Claims 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: August 26, 2013

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Residential Tenancy Branch