

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

At the out of the hearing, the landlord said that on January 13, the tenant paid the outstanding rent for January in the amount of \$800.00. Therefore, he was not seeking recovery of the January rent.

On October 30, 2006, the landlord collected a security deposit from the tenant in the amount of \$372.50. The tenancy began on November 1. Rent in the amount of \$800.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of January and on January 2, the landlord served the tenant with a notice to end tenancy for non-payment of rent.

Based on the landlord's testimony, I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent within the prescribed time frame and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts, I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is seeking recovery of \$25.00 as late payment charges for January. I note that Clause 10 of the tenancy agreement stipulates the applicability of such a charge. I therefore allow a claim of \$25.00 as late payment charges for January.

Based on the above, I find that the landlord has established a claim for \$25.00 as late payment charges. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain a total of \$75.00 from the security deposit and interest of \$309.10 in satisfaction of the claim.

Dated February 16, 2009.