DECISION

Dispute Codes: MNR, MNSD, OPR, 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. Despite having been served with the application for dispute resolution and notice of hearing in person on March 18, 2009, the tenant did not participate in the conference call hearing.

The landlord withdrew his application for an order of possession for the reason that the tenant had already moved out. I therefore dismiss the landlord's application for an order of possession.

On February 1, 2009, the landlord collected a security deposit from the tenant in the amount of $375.00. The tenancy began on the same day. Rent in the amount of $750.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of March and on March 5, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant moved out of the rental unit on March 18. The landlord was able to re-rent the unit effective March 19.

The landlord is seeking to recover from the tenant outstanding rent for the period from March 1 to 18 in the amount of $435.48. The landlord is also seeking to include a claim for $25.00 late fee for the month of March. I note that clause 7 of the tenancy agreement states the applicability of such charges. I therefore find that the landlord is entitled to recovery of the $25.00 late fee and I allow the claim for a further $25.00.

As for the monetary order, I find that the landlord has established a claim for $435.48 in unpaid rent and $25.00 late fee. The landlord is also entitled to recovery of the $50.00 filing fee. I order that the landlord retain the security

deposit and interest of $375.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of $135.48. This order may be filed in the Small Claims Court and enforced as an order of that Court.