

## **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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on May 20, 2009, the tenant did not participate in the conference call hearing.

During the hearing, the landlord withdrew his application for an order of possession as the tenant moved out on June 21, 2009.

On June 27, 2008, the landlord collected a security deposit from the tenant in the amount of \$362.50. The tenancy began on July 1, 2009. Rent in the amount of \$725.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of May 2009 and on May 2, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of June.

The landlord is seeking to recover from the tenant outstanding rent for the month of May in the amount of \$725.00. The tenant lived in the rental unit until June 21, 2009. The landlord is therefore seeking to include a claim for loss of income for the month of June in the amount of \$725.00. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while he was still in residence and I allow the claim for a further \$725.00.

The landlord said that the tenant was late in paying rent for the months of December 2008 and May 2009 and he is seeking to recover \$25.00 late payment charges for each of these months. The landlord referred to item B in the addendum to the tenancy agreement which states the applicability of such

charges. Based on the above, I find that the landlord has established a claim for \$50.00 as late payment charges and I allow a claim for this amount.

As for the monetary order, I find that the landlord has established a total claim of \$1500.00 comprised of \$725.00 in unpaid rent, \$725.00 in loss of income and \$50.00 in late payment charges. 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 \$365.29 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1184.71. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated June 24, 2009.