

## **DECISION**

**Dispute Codes:** OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order.

On August 15, 2008, the landlord collected a security deposit from the tenant in the amount of \$275.00. The tenancy began on the same day. Rent in the amount of \$550.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of September and on September 3 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 October.

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 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 to recover from the tenant outstanding rent for the month of September in the amount of \$550.00. The tenant is currently still living in the rental unit. The landlord is therefore seeking to include a claim for loss of income for the month of October in the amount of \$550.00. 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 \$550.00. The landlord said that on October 17, the tenant paid him \$600.00 to cover part of the unpaid rent and loss of income. He is therefore claiming for the balance due of \$500.00.

The landlord is also seeking to recover \$25.00 late payment charge for each of the

month of September and October. He referred to a clause in the tenancy agreement which states the applicability of such charges.

I find that the landlord has established a total claim of \$550.00 comprised of \$500.00 in unpaid rent and \$50.00 in late payment charges. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the \$600.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 24, 2008.