

Having heard all the testimony of the applicant(s), under affirmation, and in the absence of any submissions from the respondent(s), although having been notified of the right to make such submissions I have determined:

The tenant(s) have failed to comply with a Section 46 Notice to End Tenancy and rent in the amount of \$760.00 is still outstanding for the month of December 2008.

Therefore, pursuant to Section 55, I have issued an order of possession for 12:00 noon on January 22, 2009.

The landlord(s) is given a formal Order of Possession and the tenant(s) **must** be served with this Order as soon as possible.

I also Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit plus interest (\$380.50) towards the outstanding rent.

I further Order pursuant to Section 67 that the respondent(s) pay to the applicant(s) the sum of:

Remaining rent-----	\$ 379.50
December 2008 Late fee-----	25.00
Plus section 59 filing fee-----	<u>50.00</u>
Total Order	\$ 454.50

The applicant had asked for a late fee of \$50.00; however the Residential Tenancy Act limits a late fee to \$25.00; therefore I allowed \$25.00 for a late fee and dismissed the remaining \$25.00.

Dated January 19, 2009.

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