

## **DECISION**

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

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on December 9, 2008, the tenants did not participate in the conference call hearing.

On June 29, 2000, the landlord collected a security deposit from the tenants in the amount of \$437.50. The tenancy began on July 1, 2000. Rent in the amount of \$900.00 is payable in advance on the first day of each month. The tenants failed to pay rent in the month of November, 2008 and on December 18, the landlord served the tenants with a notice to end tenancy for non-payment of rent.

Based on the landlord's testimony, I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are 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 tenants must be served with the order of possession. Should the tenants 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.

As for the monetary order, the landlord said that they have offered one month free rent for December to all of the tenants because the tenants were served with a notice to end tenancy for landlord's use. The landlord is therefore seeking recovery of the November rent in the amount of \$900.00. I find that the landlord has established a claim for \$900.00 in unpaid rent.

The landlord is also seeking recovery of bank charges of \$20.00 for each of the November and December rent checks that was returned from the bank as "non

sufficient funds". Since the landlord has offered one month free rent for December to the tenants, I am allowing a claim of \$20.00 in bank charges related to the returned November rent check only.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$970.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 21, 2009.