

DECISION

Dispute Codes: MNR, OPR, 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.

At the outset of the hearing, the landlord withdrew her application for an order of possession as the tenant had already moved out.

On September 26, 2008, the landlord collected a security deposit from the tenant in the amount of \$625.00. The tenancy began on October 1. Rent in the amount of \$1250.00 was payable in advance on the first day of each month. Sometime before February 2009, the tenant gave the landlord notice that she would be ending tenancy on February 28. The tenant failed to pay rent in the month of February and on February 6, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant moved out on February 23.

The landlord is seeking recovery of the outstanding rent for February in the amount of \$1250.00. The tenant did not dispute that she had not paid the February rent. I therefore find that the landlord is entitled to recovery of \$1250.00 as the February rent. The landlord is also seeking recovery of late payment charges of \$25.00 for the tenant's late payment of the February rent. The landlord referred me to clause 7 of the tenancy agreement that stipulates the applicability of such charges. Based on the above, I allow the landlord's claim of \$25.00 as late payment charges.

Based on the above, I find that the landlord has established a claim for \$1250.00 in unpaid rent and \$25.00 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 \$627.48 in partial satisfaction of the claim and I grant the

landlord an order under section 67 for the balance due of \$697.52. This order may be filed in the Small Claims Court and enforced as an order of that Court.