

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, MNDC, 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.

On July 28, 2008, the landlord collected a security deposit from the tenant in the amount of \$187.50. The tenancy began on August 1, 2008. Rent in the amount of \$375.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of March, 2009 and on March 20, the landlord served the tenant with a notice to end tenancy for non-payment of rent.

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.

As for the monetary order, I find that the landlord has established a claim for \$375.00 in unpaid rent. The landlord is claiming for \$25.00 bank (N.S.F.) charges for the returned rent check for March. I note that clause 5(e) of the tenancy agreement provides for the applicability of such charges. I therefore allow a claim of \$25.00. 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 \$188.71 in partial satisfaction of the claim and I grant the landlord an order under

section 67 for the balance due of \$261.29. This order may be filed in the Small Claims Court and enforced as an order of that Court.