

## **Decision**

### **Dispute Codes:**

MNDC

OPC

FF

### **Introduction**

This Hearing dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession based on the Tenant's notice to end the tenancy effective September 30, 2008 and an application for compensation for loss of rent. Although served with the Application for Dispute Resolution and Notice of Hearing in person on September 9, 2008, the Tenant did not appear.

### **Issue(s) to be Decided**

According to the application, filed on September 8, 2008, the Landlord was seeking an Order of Possession and a monetary order claiming \$1,200.00 loss of rent for the month of October 2008. However, at the outset of the Hearing the Landlord advised that the Tenant had moved out so not Order of Possession was necessary. In regards to the damage claim, the Landlord testified that the Landlord had succeeded in mitigating potential losses by renting the unit for October 2008 and no losses were incurred. Therefore the only remaining issue is whether or not the reimbursement for the filing fee for this Dispute Resolution Application.

### **Conclusion**

I find that the Landlord is entitled to be reimbursed the \$50.00 fee paid by the Landlord for this application and I order that the Landlord retain this amount from the security

deposit and interest of \$614.80 in partial satisfaction of the claim leaving a balance due to the Tenant in the amount of \$564.80. The remainder of the deposit must be administered in compliance with section 38 of the Act.

October 8, 2008

Date of Decision