

DECISION

Dispute Codes: MNSD, FF

This hearing dealt with an application by the landlord for a monetary order for loss of income and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and the notice of hearing by registered mail on January 19, 2009, the tenant did not attend the conference call hearing.

On May 15, 2008, the landlord collected from the tenant, a security deposit in the amount of \$850.00. On the same day, the tenant started a fixed term tenancy ending May 15, 2009. A monthly rent of \$1700.00 was payable in advance on the first day of each month. At the end of November of 2008, the tenant gave notice to the landlord that he was moving out on December 31, 2008. However, the tenant did not return the keys to the rental unit until January 5, 2009. In a letter dated January 12, 2009, the tenant did not dispute that he left on January 5 instead of December 31. He explained that he needed more time to complete the cleaning of the unit and that the weather also restricted his mobility. The landlord said that the tenant's occupation of the unit until January 5 had deterred him from re-renting the unit for the month of January. The landlord is therefore claiming for loss of income for the month of January in the amount of \$1700.00.

Based on the above, I find that the landlord has established a claim of \$1700.00 in loss of income. 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 \$858.05 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$891.95. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 18, 2009.