

## **DECISION AND REASONS**

**Dispute Codes: CNC OP MN SD FF**

1. This hearing dealt with (a) an application by the tenant for an order setting aside the landlord's Notice to End Tenancy dated July 13, 2009; and (b) an application by the landlord for an order of possession, a monetary order and an order allowing the landlord to retain all or part of the security deposit.

### **TENANT'S APPLICATION**

2. In the absence of an appearance by the tenant for today's hearing, I hereby dismiss the tenant's application without leave to reapply.

### **LANDLORD'S APPLICATION**

3. At the outset of the hearing the landlord advised that the tenant had vacated the rental unit on August 31, 2009 and that an order of possession was no longer necessary.
4. With respect to the landlord's monetary claim, I find based on Mr. N's testimony that the landlord has established a total claim of \$6,350.00. This claim is comprised of \$2,100.00 in unpaid rent for July, \$2,100.00 in unpaid rent for August, \$2,100.00 in lost income for September and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$1,050.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$5,300.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 03, 2009.