

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened by way of conference call on this date to deal with the tenant's application for return of all or part of a security deposit and a pet damage deposit.

Both parties attended the hearing and gave affirmed testimony, and were each given the opportunity to cross-examine each other on their evidence.

At the hearing, it was determined that the tenant still resides in the residential unit, and therefore, the application is premature. I hereby dismiss the application with leave to reapply.

During the hearing the parties raised the issue of the tenant having given notice to vacate the premises on March 15, 2010, which notice was received by the landlord on February 23, 2010. The tenancy is a monthly tenancy, not a weekly tenancy, or any other length of tenancy. The *Residential Tenancy Act* states:

45 (1) A tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that

- (a) Is not earlier than one month after the date the landlord receives the notice, and
- (b) Is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

The tenant has not applied to cancel the Notice to End Tenancy, and is therefore required to vacate the premises by March 31, 2010. The tenant may vacate sooner, but is not entitled to the return of any part of the rent paid for the month of March.

The tenant also agreed to allow the landlord to show the residence to perspective tenants in accordance with the *Act* so long as the landlord gives at least 24 hours written notice which also contains the purpose for entering the premises, the date and time of the entry, which must be between 8:00 a.m. and 9:00 p.m. unless the tenant otherwise agrees.

Conclusion

The tenant's application for return of the security deposit and pet damage deposit is hereby dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 03, 2010.

Dispute Resolution Officer