

## **DECISION**

**Dispute Codes:** MNSD

### **Introduction**

This application was brought by the tenant seeking return of her security deposit pursuant to section 38 of the *Act* on the grounds that the landlords did not return it within 15 days of the latter of the end of the tenancy or receipt of the tenant's forwarding address.

### **Issues to be Decided**

This application requires a decision on whether the tenant is entitled to a Monetary Order for return of her security deposit.

### **Background and Evidence**

This tenancy began on June 22, 2009 and ended on or about October 26, 2009. Rent was \$500 per month and the landlord holds a security deposit of \$250 paid on or about June 22, 2008.

During the hearing, the parties concurred that the security deposit had not been returned.

However, the parties also concurred that the tenant had given notice to end the tenancy on October 15, 2009, two weeks short of the full month's notice required under section 45 of the *Act*. The landlord further stated that he had not been able to find a new tenant until December 1, 2009 due to the short notice.

The parties were advised that, while the tenant is entitled to a Monetary Order on the present application, the landlord was in a position to make application for loss of rent for December.

The landlord made promise that, if the tenant withdrew the present application, he would waive his right to make application for loss of rent. Based on that promise, the tenant withdrew the present application.

## **Conclusion**

This application is withdrawn and the landlord promises that he will not bring a subsequent application for loss of rent.

March 31, 2010