

Decision

Dispute Codes:

MND, MNSD, FF

Introduction

This Dispute Resolution hearing was set to deal with an Application by the landlord for a monetary order in compensation for loss of rent and to retain the tenant's security deposit in partial satisfaction for the claim.

Both parties appeared at the hearing and gave evidence.

Issue(s) to be Decided

The issue to be determined based on the testimony and the evidence is whether the landlord is entitled to monetary compensation under section 67 of the *Act* for damages.

Background and Evidence

The landlord testified that the tenancy began on December 1, 2010 and ended on February 29, 2012. The rent was \$900.00 and a security deposit of \$450.00 and pet damage deposit of \$200.00 was paid.

The landlord testified that the tenant had not given adequate notice to vacate and because of this, the landlord anticipated a loss of rent for the month of March in the amount of \$900.00. However, after filing the application, the landlord succeeded in finding a new tenant for March 2012 and therefore suffered no loss of rent. The landlord testified that the monetary claim was now moot.

Analysis

Given the new evidence, I find that the landlord's application must be dismissed as there is no longer a monetary claim.

Conclusion

Based on the testimony and evidence I hereby dismiss the landlord's claim in its entirety without leave to reapply.

I further find that the landlord is not entitled to retain the tenant's \$450.00 security deposit or the \$200.00 pet damage deposit held in trust on behalf of the tenant. The landlord is required is required to return the deposit to the tenant in compliance with section 38 of the *Act* and I hereby issue a monetary order in favour of the tenant for

\$650.00. This order must be served on the landlord and, if necessary can be enforced by Small Claims Court.

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: May 17, 2012.

Residential Tenancy Branch