



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order to keep all or part of the security deposit for the loss of rental income and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

Both parties agreed that there was no written tenancy agreement, but that the Tenant had paid a \$250.00 security deposit.

Both parties agreed that this Tenancy ended on November 30, 2012 and that the Tenant gave short notice to vacate the rental unit on November 11, 2012. The Landlord states that the bedroom was re-rented for December 1, 2012.

The Landlord seeks to retain the \$250.00 security deposit for the loss of rental income because of the Tenant's improper notice.

I find based upon the evidence of both parties that the Landlord has failed to establish a claim to retain the \$250.00 security deposit. The Landlord in mitigating any losses was able to re-rent the bedroom on the next day following the departure. The Landlord

suffered no losses of rental income from this Tenancy. The Landlord's Application is dismissed.

The Landlord is ordered to return the \$250.00 security deposit to the Tenant. As such, I grant a monetary order for \$250.00 to the Tenant. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord's Application is dismissed.

The Tenant is granted a monetary order for \$250.00.

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 15, 2013

Residential Tenancy Branch

