



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD MNR FF

Introduction

This hearing dealt with the landlord's monetary claim. The landlord also applied for an order to retain the security deposit; however, the security deposit was already awarded to the tenants in a previous decision.

Two agents for the landlord and one tenant participated in the teleconference hearing. Both parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The landlord stated that the tenants were supposed to move out of the rental unit by 1:00 p.m. on May 31, 2014, but they did not move out until 5:00 p.m. on June 1, 2014. The landlord stated that the new tenant showed up at 2:30 p.m. on May 31, 2014 and when he saw that the previous tenants had not yet moved out, he asked for his deposit back. The landlord submitted that because of this he lost June 2014 rent of \$1150.

The tenant's response was that the rental unit wasn't even rented on June 1, 2014, and people were looking at the place on June 1st.

Analysis

I find that the landlord has failed to provide sufficient evidence to establish, on a balance of probabilities, that they had a tenant ready to move in to the rental unit on June 1, 2014. The landlord did not provide any tenancy agreement, receipt for payment of the

security deposit or witness statements to support their claim. I therefore dismiss the landlord's claim.

As their application was unsuccessful, the landlord is not entitled to recovery of the filing fee for the cost of their application.

Conclusion

The landlord's application is dismissed.

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: June 15, 2015

Residential Tenancy Branch

