

IN THE SMALL CLAIMS DIVISION OF THE
PROVINCIAL COURT OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON

DOCKET NO. 89001948

BETWEEN:

ROBERT KOVACS,

Plaintiff

- and -

INTER PRO PROPERTY CORPORATION,

Defendant

MEMORANDUM OF JUDGMENT
OF HIS HONOUR JUDGE H.F. WILSON

For the Plaintiff

Appears in person

For the Defendant

Ms. Janice Reid
Appears as agent

The plaintiff leased from the defendant those premises municipally described as Suite #112 - 11911 - 162 Avenue, Edmonton, Alberta and paid to the defendant a security deposit in the amount of \$450.00. Having vacated the premises the plaintiff now claims from the defendant the amount of the security deposit plus interest.

On February 1st, 1989, the defendant served a written notice on the plaintiff giving the plaintiff notice to deliver up possession of the premises to the defendant on the 30th day of April 1989. The plaintiff told the defendant's caretaker orally that he was moving out at the end of February and although that notice was not in writing the defendant accepted it so long as the defendant could show the premises to prospective tenants. However, the plaintiff changed the locks on the suite and did not provide a key to the defendant with the result the defendant could not show the suite to prospective tenants. Not having a tenant for March 1st, 1989, the defendant suffered loss of rent for the month of March in the amount of \$475.00. The defendant claims the security deposit as compensation.

Section ~~23~~²³(3) of the Landlord and Tenant Act states:


23 ~~(3)~~ (3) A landlord is entitled to enter residential premises rented by him without consent but after notice to the tenant.

(d) ~~to~~ to show the premises to prospective tenants after a landlord or tenant has served notice of termination of a periodic tenancy or during the last month of a tenancy for a fixed term.

Since the plaintiff did not allow the defendant access to the premises, the security deposit will be applied to the loss of rent for March.

This action is dismissed.

DATED at the City of Edmonton, in the Province of Alberta, the 24th day of August, A.D. 1989.


His Honour Judge H.F. Wilson
Provincial Court of Alberta

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