

## **REVIEW HEARING DECISION**

**Dispute Codes:** OPR, MNR, MNSD and FF

### **Introduction**

The original application in this matter was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by registered mail on March 30, 2010. The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding.

This matter was originally addressed as a Direct Request proceeding under section 55(4) of the Act on April 20, 2010 on written submissions only. In the result, the Dispute Resolution Officer found in favour of the landlord and issued an Order of Possession effective two days from service and a Monetary Order for \$3,550 including unpaid rent and recovery of the landlord's filing fee.

The tenant applied for a Review Hearing which was granted in a Decision made on May 7, 2010. That decision ordered a new participatory hearing under section 82(2)(c) of the Act rather than a reconvening of the original hearing. The decision further ordered that the Decision and orders of April 20, 2010 be suspended pending the present Hearing.

Despite having made this application, the tenant did not call in to the number provided to enable her participation in the telephone conference call Review Hearing. Therefore, it proceeded in her absence.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit on or about May 15, 2010 and that the Order of Possession was no longer at issue.

### **Issues to be Decided**

This application now requires a decision on whether the original Decision and Monetary Order of April 20, 2010 should be varied, reinstated or extinguished.

### **Background and Evidence**

This tenancy began on September 1, 2009 and rent was \$1,350 per month according to evidence submitted for the original hearing. The landlord submitted evidence for the April 20, 2010 hearing that the tenant had accumulated a rent shortfall of \$3,500 and the Dispute Resolution Officer issued a Monetary Order for that amount plus the \$50 filing fee.

### **Analysis**

In the absence of the tenant, her application for the Review Hearing is dismissed. As she has provided no further evidence, I find no cause to vary the original decision of April 20, 2010.

## **Conclusion**

**I hereby authorize and order** that the Decision and Monetary Order of April 20, 2010 – placed into suspension by the Review Consideration Decision of May 7, 2010 - are hereby reinstated.

The Monetary Order of April 20, 2010 for \$3,550 may now be served on and enforced against the tenant.

June 28, 2010

w