



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened as a result of the Tenant's successful application for review regarding the monetary order issued against her on May 9, 2011, in a Direct Request proceeding, which was suspended by a Dispute Resolution Officer's (DRO) Decision issued on June 6, 2011.

Although the Tenant was successful in having the monetary order issued against her suspended pending the results of a new hearing, the Tenant did not call into the hearing during the eleven minutes the phone system was monitored.

The Landlord appeared at the hearing, ready to proceed with the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Landlord is entitled to a monetary order for unpaid rent, pursuant to section 67 of the Residential Tenancy Act (the "Act")?

Background and Evidence

The Tenant filed for an application for review, citing that she had paid the rent for May 2011, of \$925.00, which was the amount listed in the monetary order issued against her on May 9, 2011.

The Review Decision cited the Tenant's submission of a receipt dated May 9, 2011, which was issued for "use and possession of basement suite."

The Landlord acknowledged that the Tenant had paid rent for May 2011, but subsequent to his original application for direct request being made, and as well as after the expiration of the five days allowed in the Notice for the Tenant to pay the rent in full.

The Landlord acknowledged that the rent for May and June was paid in full and that the monetary order was no longer enforceable.

Analysis

I find that, despite the Tenant not appearing at the hearing, the Tenant, via the Landlord's acknowledgement, was successful in establishing that the monetary order issued against her on May 9, 2011, should be set aside.

Conclusion

The monetary order against the Tenant, issued May 9, 2011, in the amount of \$925.00, is set aside and is of no force or effect.

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 28, 2011.

Residential Tenancy Branch