

DECISION

Dispute Codes:

Tenant's application: CNR

Landlord's application: OPR; MNR; FF

Introduction

This Hearing was convened to consider cross applications. The Tenant seeks to cancel a Notice to End Tenancy for Unpaid Rent (the "Notice") issued June 16, 2011.

The Landlord seeks an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that he served the Tenant with the Notice of Hearing documents by handing the documents to the Tenant at the rental unit on June 23, 2011.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(a) of the Act. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Landlord's application continued in his absence.

The Tenant's application was scheduled to be heard on July 18, 2011, at 10:30 a.m. The Landlord's agent signed into the Hearing at 10:30 a.m. and was ready to proceed. By 10:40 a.m., the Tenant had not yet signed into the Hearing. Therefore the Tenant's application is dismissed.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession and monetary award arising from the Notice issued June 16, 2011?

Background and Evidence

The Landlord's agent provided the following testimony:

The Tenant paid the balance outstanding for June's rent, in the amount of \$125.00, on June 24, 2011. The Landlord's agent provided the Tenant with a receipt for rent paid.

The Tenants have not paid rent for the month of July, 2011, and the Landlord issued another Notice to End Tenancy on July 7, 2011.

Analysis

The Landlord's agent accepted the rent arrears and did not advise the Tenant that it was for "use and occupancy only" for the remainder of June, 2011. I find that the Landlord and the Tenant re-established a tenancy on June 24, 2011.

The Landlord's application for an Order of Possession and a Monetary Order based on the Notice issued June 16, 2011, is dismissed. The Landlord is at liberty to file another Application with respect to the Notice to End Tenancy issued July 7, 2011, should he so desire.

Conclusion

The Tenant's application is dismissed.

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: July 18, 2011.

Residential Tenancy Branch