

## **Decision on Review Hearing**

**Dispute Codes:** OPR, MNR

### **Introduction**

The landlord filed a direct request application on September 15, 2011, seeking an order of possession and a monetary order for unpaid rent. As a result, a decision was issued by date of September 22, 2011. Further, an order of possession and a monetary order were issued in favour of the landlord by the same date. Subsequently, on October 12, 2011 the tenant filed an application for review consideration. Following a review of the tenant's application the dispute resolution officer granted leave for review, and suspended the original decision and orders. Thereafter, this present hearing was scheduled. Both parties attended and gave affirmed testimony.

### **Issues to be decided**

- Whether the landlord is entitled to an order of possession and / or a monetary order for unpaid rent under the Act, Regulation or tenancy agreement.

### **Background and Evidence**

The details of the tenancy and the matters giving rise to the dispute are set out in the decision dated September 22, 2011.

In summary, following the landlord's issuance of the 10 day notice to end tenancy dated September 6, 2011, the tenant paid September's rent in full on or about September 16, 2011. Presently, while the landlord continues to be concerned about the tenant's allegedly chronic late payment of rent, the landlord does not currently seek to end the tenancy on the basis of the subject 10 day notice. Effectively, the landlord withdraws the application for an order of possession and a monetary order for unpaid rent.

### **Analysis**

Section 82 of the Act addresses **Review of director's decision or order**, and provides in part:

82(3) Following the review, the director may confirm, vary or set aside the original decision or order.

Based on the documentary evidence and the affirmed testimony of the parties, the original decision, order of possession and monetary order dated September 22, 2011 are hereby set aside.

**Conclusion**

The landlord's 10 day notice to end tenancy for unpaid rent dated September 6, 2011 is hereby set aside, and the tenancy continues in full force and 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*.

DATE: November 17, 2011

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Residential Tenancy Branch