



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

On May 15, 2012, a hearing was conducted that dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of her claim. Both the landlord and the tenant participated in the conference call hearing. In a decision dated May 28, 2012, the Dispute Resolution Officer awarded the landlord a monetary order in the amount of \$200.00.

On June 08, 2012, the tenant applied for a review of this decision. In a decision dated June 18, 2012, the reviewing Dispute Resolution Officer suspended a portion of the decision that addressed the issue of unpaid rent for June 2011.

In this decision, the Reviewing Dispute Resolution Officer states “*The section of the decision and Order made on May 28, 2012 concerning a Monetary Order for money owed or compensation for damage or loss dealing with unpaid rent for June, 2011 is suspended until the review has been completed and a decision given to the parties. The remainder of the Decision dated May 28, 2012 stands*”.

Accordingly, this hearing only dealt with whether the landlord had already received rent for June 2011 from Social services and therefore was not entitled to the monetary order that was granted to her on May 28, 2012.

Issue to be Decided

Is the landlord entitled to the monetary order that was granted to her in a decision dated May 28, 2012? Did the landlord also receive rent from Social Services for the same period?

Background and Evidence

The tenancy began at the end of February 2011, with monthly rent in the amount of \$400. There was no written tenancy agreement. The tenancy ended on June 15, 2011.

In his application for review, the tenant had filed a copy of a cheque that was issued to the landlord by Social Services in the amount of \$400.00 for rent for the month of June 2011. The landlord returned \$200.00 to Social Services and filed a copy of a receipt in the amount of \$200.00 from Social Services. This receipt acknowledges that the landlord returned \$200.00 to Social Services, as a refund of rent for the latter half of June 2011.

Analysis

Upon consideration of the evidence, I find as follows.

In her decision dated May 28, 2012, the Dispute Resolution Officer found that the landlord was entitled to recovery of rent for June 1 to June 14, 2011, in the amount of \$200.

The landlord had received \$400.00 for June 2011 from Social Services and had returned \$200.00 on June 25, 2011. Therefore the landlord had already received \$200.00 from Social Services for the month of June 2011 and accordingly was not entitled to the monetary order that was awarded to her.

Therefore, I find that the Order made on May 28, 2012 for money owed or compensation for damage or loss dealing with unpaid rent for June, 2011 in the amount of \$200.00 is cancelled, is of no effect and is not enforceable

Conclusion

I hereby **cancel the Monetary Order** for **\$200.00** granted to the landlord on June 28, 2012. The remainder of the Decision dated May 28, 2012 stands.

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 13, 2012.

Residential Tenancy Branch