



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was originally conducted on March 13, 2014 as a non-participatory hearing. In a decision of the same date, the landlord was granted an order of possession and a monetary order for \$1,350.00. The tenant applied for a review of that decision and was successful in obtaining an order for a new hearing. The March 13 decision and orders were suspended pending the conclusion of the new hearing. Both parties were in attendance at the new hearing, which took place on April 23, 2014.

Issue to be Decided

Should the original decision and orders be set aside?

Background and Evidence

The tenant agreed that the order of possession issued on March 13 should remain in full force and effect. I will not interfere with that order.

The tenant acknowledged that she did not pay the rent which was due on February 1, 2014 but argued that her rent was \$1,300.00 rather than the \$1,350.00 which the landlord had claimed was the amount in his evidence submitted for the March 13 hearing. The landlord's agent testified that she could find no paperwork indicating that the amount of rent had changed pursuant to a legal notice of rent increase.

Analysis

The order of possession issued on March 13, 2014 remains in full force and effect and may be enforced by the landlord.

I find that the landlord has failed to prove that the rent payable in February was \$1,350.00 rather than the \$1,300.00 acknowledged by the tenant. I therefore order that

the monetary order for \$1,350.00 issued on March 13, 2014 be set aside and of no force or effect. I find that the tenant was obligated to pay \$1,300.00 in rent in February and I find that she failed to do so. The landlord is entitled to recover the rental arrears and I grant the landlord a monetary order under section 67 for \$1,300.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The order of possession dated March 13, 2014 remains in full force and effect. The monetary order issued on March 13, 2014 is set aside and replaced by the enclosed monetary order for \$1,300.00.

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: April 23, 2014

Residential Tenancy Branch

