



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR

Introduction

This hearing convened as a result of the decision of the Branch, dated December 2, 2014, wherein the Tenants Application for a review hearing was granted with respect to the Landlord's monetary award.

The Tenant, D.B. attended on her own behalf and as agent for the V.P. (collectively referred to as the "Tenants"). The Landlord did not attend.

As the Landlord did not attend, service of the December 2, 2014 decision and Notice of Review Hearing was considered. Pursuant to section 81(3) of the Act, the Tenants were required to serve the Landlord within three days of receiving the decision.

The Tenant testified that she received the decision on December 6, 2014. She further testified that she served the Landlord by leaving the December 2, 2014 decision and Notice of Review Hearing in the Landlord's mailbox on December 8, 2014. Section 88(f) provides that this is effective service and accordingly I am satisfied that the Landlord was given the documents by the Tenant as required by section 81(3) of the Act.

Issue to be Decided

Should the Monetary Order be set aside?

Background Evidence and Analysis

The Tenant testified that rent has been paid in full. She further testified that both Tenants remain in the rental unit and that the Landlord agreed that they could stay as the rent had been paid.

As the Landlord failed to attend the hearing, the Tenant's testimony was undisputed. Further, it is notable that the tenancy has continued despite the granting of an Order of Possession.

The Landlord failed to attend the hearing and present any evidence in support of the Monetary Order. The Tenant provided undisputed testimony that rent had been paid and the tenancy was continuing. As such, I find that the Monetary Order should be set aside.

Conclusion

The Tenant testified that the rent had been paid and the tenancy was continuing. The Landlord failed to attend the hearing. The Tenant's application is allowed and the Monetary Order is set aside.

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: January 06, 2015

Residential Tenancy Branch

