



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

Dispute Codes      OPR

### Introduction

This hearing was scheduled pursuant to the *Residential Tenancy Act* (the “Act”) in response to a successful application filed by the tenant for review of a decision dated December 22, 2016. In the original decision, the landlord was granted an order of possession and a monetary order in the amount of \$1,900.00. The original decision and orders were subsequently suspended by way of a review consideration decision dated January 17, 2017 pending the outcome of this review hearing.

This hearing addressed the landlord’s application pursuant section 55 of the *Residential Tenancy Act* (the “Act”) for an order of possession for unpaid rent.

### Preliminary Issue – Landlord’s Agents

The tenant and the landlord’s agent LR and agent EK attended the hearing. Agent LR testified he was representing the sole director of the landlord company named in this application whereas agent EK testified she was a shareholder of the landlord company named in the application. Both agents confirmed they had authority to speak on the landlord’s behalf.

Although the tenant agreed agent EK had authority to represent the landlord, the tenant disputed agent LR had authority to represent the sole director of the landlord company named in this application. In the absence of the sole director or documentary evidence substantiating agent LR had authority to represent the landlord, I find agent LR has not met his onus and therefore remove him as a party from this dispute resolution process.

The tenant and agent EK (the “landlord”) were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Issue – Tenant Vacated

The tenant vacated the rental unit at the end of January 2017. Consequently the only remedy the landlord now seeks is to uphold the monetary order issued December 22, 2016. Based on the above, the landlord's application for an order of possession dated December 22, 2016 is hereby withdrawn.

#### Preliminary Issue – Landlord's Application

The landlord's application indicates the landlord is seeking an order of possession only. The application does not include a request for a monetary order or recovery of the filing fee, nor does the application include an amendment to include such. The tenant did not attend the original hearing and therefore did not verbally consent to an amendment to include a monetary order or recovery of the filing fee. For these reasons I set aside the monetary order dated December 22, 2016.

#### Conclusion

The original decision and the monetary order dated December 22, 2016 are set aside.

The landlord's application for an order of possession is withdrawn.

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: February 14, 2017

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Residential Tenancy Branch