



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

### **Dispute Codes:**

OPM MNR MNSD

### **Introduction:**

This hearing was convened in response to a successful application for Review filed by the tenant who sought a new hearing on the ground they were unable to attend the hearing held on January 22, 2018.

The tenant attended the hearing. They acknowledged not serving the landlord with the Notice of Review Hearing or a copy of the Review Consideration Decision granting a new hearing, or submitting any evidence for this review hearing, as they were instructed to do within the Review Decision dated April 27, 2018. Despite this, the landlord appeared in the hearing upon informing themselves of it.

### *Preliminary matters*

Irrespective of the above issues regarding lack of service, the tenant stated that their primary issue with the Decision of this matter was that the landlord was awarded the rent for June 2017, the tenant's last month of occupancy of the rental unit. The tenant testified they do not dispute any other aspect of the original corrected Decision. The tenant acknowledged they did not pay the rent for June 2017. They explained receiving information establishing an understanding they were not required to pay the rent for their last month's occupancy of the rental unit. The tenant confirmed they signed a document along with the landlord which to their recollection was responsible for ending the tenancy. They further confirmed never being in possession of a 2 Month Notice to End Tenancy for Landlord's Use (2 Month Notice) authorizing them to withhold the last month's rent. It was explained to both parties that under the circumstances the tenant would have known if they received a 2 Month Notice and that it would not have required a tenant's signature. But moreover, it was explained to both parties that because the

tenant did not receive a 2 Month Notice, the tenant did not have a right to withhold the rent for their last month's occupancy of the rental unit.

**Issue(s) to be Decided**

Should the original corrected Decision and Order of this matter be confirmed, varied or set aside?

**Analysis and Conclusion**

I find that despite the landlord's appearance in this matter the tenant failed to serve the landlord with the Notice of Review Hearing and copy of the Review Decision, effectively placing the landlord on notice they were pursuing a different outcome in this matter. Other than their testimony at the outset of the hearing the tenant did not provide any other evidence in support of a different outcome than in the original corrected Decision duly amended and rendered April 16, 2018.

As a result of all the above, the original and corrected Decision and Order dated April 16, 2018 stand and are **hereby confirmed**.

**This Decision is final and binding on the parties.**

*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: June 21, 2018

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Residential Tenancy Branch