



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coldwell Banker Prestige Realty
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes OPRM-DR, FFL

Introduction

On June 5, 2019 an Adjudicator issued an Order of Possession and Monetary Order for unpaid rent to the landlord under the Direct Request procedure. The tenant filed an Application for Review Consideration and upon consideration of the tenant's application the reviewing Arbitrator ordered this participatory review hearing.

The participatory review hearing commenced at 11:00 a.m. on this date, via teleconference call. The landlord was represented; however, there was no appearance on part of the tenant. The landlord's agent confirmed that the tenant had served the landlord with the hearing documents for today's review hearing.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones to have called into this teleconference. The teleconference call was left open and the landlord's agent and I waited until 11:12 a.m. to give the tenant the opportunity to appear. The tenant did not appear.

Issue(s) to be Determined

Should the decision and Orders issued on June 5, 2019 be confirmed, varied or set aside?

Background and evidence

On May 26, 2019 the landlord applied for an Order of Possession and Monetary Order for unpaid rent of \$3,075.00 for the month of May 2019 and a Notice of Dispute Resolution Proceeding by Direct Request was generated by the Residential Tenancy Branch on May 29, 2019. The landlord sent the proceeding package to the tenant via registered mail on May 30, 2019. On June 5, 2019 an Adjudicator reviewing the landlord's application

granted an Order of Possession and Monetary Order for unpaid rent of \$3,075.00 plus recovery of the filing fee in the total amount of \$3,175.00.

The tenant filed an Application for Review Consideration and submitted evidence that she had paid \$3,000.00 to the owner of the property via e-transfer on May 31, 2019 and paid \$3,000.00 toward June 2019 rent on June 10, 2019. The landlord appearing before me confirmed the tenant eventually paid the owner \$3,000.00 for May's rent but pointed out that the tenant failed to pay the balance of \$75.00 that was owed for May 2019. Nor, has the tenant paid the \$100.00 to the landlord as ordered, leaving an unsatisfied balance of the Monetary Order in the amount of \$175.00.

The landlord stated the tenant vacated the rental unit at the end of June 2019.

Analysis

Upon review of the evidence before me, I am satisfied that at the time of filing and serving the tenant with the landlord's Application for Dispute Resolution rent of \$3,075.00 was outstanding for the month of May 2019 and the orders issued to the landlord were not based on fraud.

I confirm the original decision and Orders; however, the landlord may only enforce the outstanding balance of the Monetary Order that has not yet been satisfied, which is \$175.00. Any other losses the landlord may have incurred after making the Application for Dispute Resolution may be pursued in another Application for Dispute Resolution. While the Order of Possession is also confirmed, it is moot at this point in time since the tenant has already given up possession of the unit.

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: August 16, 2019

Residential Tenancy Branch