



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes:

OPR; MNR

Introduction

This matter was originally held by way of Direct Request Proceeding on April 26, 2011. A Direct Request Proceeding is held pursuant to the provisions of Section 55(4) of the Act and is based upon the Landlord's written application and documentary evidence only. Based on the documentary evidence provided by the Landlord, on April 26, 2011, a Dispute Resolution Officer granted the Landlord's application for an Order of Possession for Unpaid Rent and for a Monetary Order in the amount of \$775.00 for unpaid rent for the month of April, 2011.

On May 6, 2011, the Tenant filed an Application to Review the Decision rendered on April 26, 2011, and was successful. The reviewing Dispute Resolution Officer cancelled the Order of Possession and Monetary Order granted on April 26, 2011, and ordered that a new Hearing be conducted by way of telephone conference call. This is the Decision on that new Hearing.

Both parties appeared and gave affirmed testimony.

Preliminary Matters

At the outset of the Hearing, the Tenant testified that he paid the rent on or about April 15, 2011, and that earlier on in the tenancy, the Landlord had told him that he could pay his rent on the 15th of the month instead of the 1st of the month.

The Tenant testified that he moved out of the rental unit at the end of April, 2011, because the Landlord sent a fax to his place of employment ordering him to move within

two days. The Landlord's agent confirmed that the Tenant had vacated the rental unit. He stated that the Tenant paid rent on April 20, 2011.

The Tenant testified that he had been paying \$75.00 in late fees throughout this 5 year tenancy and that he believes the Landlord owes him money. I advised the Tenant that this Hearing was scheduled to consider the Landlord's application for an Order of Possession and Monetary Order for unpaid rent and that he was at liberty to file his own application, should he chose to do so.

Conclusion

The Tenant gave up vacant possession of the rental unit at the end of April, 2011, and the Landlord was paid rent for the month of April, 2011 on April 20, 2011. Therefore, the Landlord's application for an Order of Possession and a Monetary Order for unpaid rent is dismissed.

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 07, 2011.

Residential Tenancy Branch