

DECISION

Dispute Codes MND MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a Monetary Order for damages to the rental unit, and to recover the filing fee from the tenant for the cost of this application.

The landlord's application was first heard on December 15, 2008, when it was dismissed with leave to reapply, after the landlord failed to properly serve the tenants with the Notice of Hearing and failed to provide any evidence.

A second hearing was scheduled for March 12, 2009, which was adjourned at the request of the tenant, to today's date.

Issues(s) to be Decided

The issues to be decided based on the testimony and the evidence are:

- Whether the landlord is entitled to a Monetary Order under section 67 of the *Act* for damages to the rental unit
- Whether the landlord is entitled to a Monetary Order under section 72(1) to recover the filing fee

Background and Evidence

The landlord failed to attend the scheduled hearing.

The tenant appeared and advised that she received the Notice of the Dispute Resolution Hearing via the substituted service which was granted in the previous interim decision.

Analysis

In the absence of the Applicant landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the Applicant called into the hearing during this time. The application was dismissed at 9:42 a.m.

Conclusion

This landlord has been given ample opportunity to make a claim and was previously advised to follow the rules of procedure for hearings, yet did not attend today's hearing. Therefore, as the Applicant did not attend the hearing by 9:42 a.m., I dismiss the claim **without leave to reapply**.

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: April 14, 2009.

Dispute Resolution Officer