

DECISION

Dispute Codes OPR, MRN, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a Monetary Order for unpaid rent or utilities, to keep all or part of the damage deposit, and to recover filing fee from the tenant for the cost of this application.

The Applicant landlord did not appear at the hearing.

Issues(s) to be Decided

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

- Whether the landlord is entitled to an Order of Possession under Section 55 of the *Act* for cause
- Whether the landlord is entitled to a Monetary Order under section 67 of the *Act* for unpaid rent
- Whether the landlord is entitled to a monetary claim to keep all or part of the damage deposit pursuant to section 72(1) of the *Residential Tenancy Act*

Background and Evidence

The tenant testified that she received a copy of the Notice of Hearing documents, in person from the landlord, sometime around March 18 to March 20, 2009 when she returned her keys. She stated that she moved out of the rental unit sometime between March 18 and March 20, 2009 and still owes the landlord money for past rent.

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 11:11 a.m.

In relation to the landlord's request for an Order of Possession, in light of the tenant testifying that she has moved out of the rental unit, I find that an Order of Possession is no longer warranted and dismiss the landlord's application.

As the Applicant Landlord did not attend the hearing, I dismiss the application for a Monetary Claim for unpaid rent and to keep all or part of the damage deposit.

Conclusion

I dismiss the landlord's application for an Order of Possession **without leave to reapply**.

Based on the foregoing, I am dismissing the landlord's application for a Monetary Order for unpaid rent and to keep all or part of the damage deposit, **with 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