

DECISION

Dispute Codes CNC
 OPC OPB FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution by the Tenant requesting an Order to cancel a notice to end tenancy for cause and by the Landlord requesting an Order of Possession for cause, that the Tenant has breached the tenancy agreement, and to recover the filing fee from the Tenant.

No one was in attendance for either the Landlord or the Tenant.

Issue(s) to be Decided

Is the Tenant entitled to an Order to cancel a notice to end tenancy pursuant to Section 47(4) of the *Residential Tenancy Act*?

Is the Landlord entitled to an Order of Possession under Section 55 of the *Residential Tenancy Act*?

Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

In the absence of both applicants (Landlord and Tenant), the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Landlord or Tenant called into the hearing during this time. Based on the

aforementioned I find that both the Landlord and the Tenant have failed to present the merits of their applications and the applications are hereby dismissed.

Conclusion

I HEREBY DISMISS the Landlord's application for an Order of Possession for breach of the tenancy agreement and for cause, without leave to reapply.

I HEREBY DISMISS the Tenant's application for an Order to cancel a notice to end tenancy for cause, 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: June 24, 2009.

Dispute Resolution Officer