**DECISION AND REASONS**

Dispute Codes:

MT, CNR, MNSD, ET

Introduction

This was a cross-application hearing. The tenant has made application for dispute resolution requesting more time to cancel a notice to end tenancy for unpaid rent, to cancel a notice to end tenancy for unpaid rent and for return of the deposit paid to the landlord.

The landlord has made application for dispute resolution requesting an early end to the tenancy.

The landlord attended this hearing. The tenant did not attend the hearing which was concluded after 26 minutes.

Preliminary Matter

The landlord application for dispute resolution was withdrawn as the landlord testified she now has possession of the rental unit. The landlord testified that the application for dispute resolution was amended to include a claim for damages. The landlord did not complete an amended application for dispute resolution but did serve the tenants with additional documents indicating a monetary claim was being made by the landlord.

Conclusion

As the tenant failed to attend the hearing I find that the tenant's application for dispute resolution requesting cancellation of a notice to end tenancy is dismissed without leave to reapply.

I find that the tenant made application for return of the deposit prior to the end of this tenancy and that her application for return of the deposit paid is dismissed with leave to reapply.

I find that the landlord application for an early end to tenancy is dismissed without leave to reapply as the landlord stated the tenant moved out of the rental unit on May 31, 2009 and that the landlord now has possession of the rental unit.

The landlord claim for damages and a monetary claim was not considered during this hearing as the landlord's application for dispute resolution did not include a monetary claim for damages.  The landlord is at liberty to apply for dispute resolution for any damages or monetary claim sought.

Dated June 22, 2009.

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Dispute Resolution Officer