

DECISION

Dispute Codes CNR FF O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain an Order to cancel a notice issued for unpaid rent, to recover the cost of the filing fee from the Landlord for this application, and for other reasons.

No one was in attendance for the applicant Tenant however the respondent Landlord appeared at the hearing.

Issue(s) to be Decided

Is the Tenant entitled to an Order under sections 46, 67, and 72 of the *Residential Tenancy Act*?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended on behalf of the Tenant.

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 the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Based on the aforementioned I find that the Tenant has failed to present the merits of his application and the application was dismissed.

The respondent Landlord attended the hearing and requested to proceed with a request for an Order of Possession, under section 55(1) of the Act. There was no documentary evidence provided by either the Tenant or the Landlord and I find that there is no proof to substantiate that a valid notice to end tenancy was issued to the Tenant and the Landlord's request for an Order of Possession was dismissed with leave to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

The Landlord is at liberty to make their claims in a separate application and to submit evidence if the Landlord wants to pursue requesting to obtain an Order of Possession.

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: September 04, 2009.

Dispute Resolution Officer