

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain an Order to cancel a notice to end tenancy issued for cause and to recover the filing fee from the Landlord.

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

Issue(s) to be Decided

Are the Tenants entitled to an Order pursuant to Sections 47 and 72 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 the applicant Tenants and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants or respondent Landlord called into the hearing during this time. Based on the aforementioned I find that the Tenants have failed to present

the merits of their application and the application is hereby dismissed, with leave to reapply.

Conclusion

I HEREBY DISMISS the Tenants' application, 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: November 09, 2009.

Dispute Resolution Officer