

## **DECISION**

**Dispute Codes:** MND and FF

### **Introduction**

This application was brought by the landlord and received on August 24, 2009. The application sought a Monetary Order for damage to the rental unit and recovery of the filing fee for this proceeding.

Despite have made this application, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, the application is dismissed **without** leave to reapply.

In addition, the tenants gave evidence - corroborated by a witness submission from the landlord - that this tenancy ended on or about June 30, 2007. Therefore, this matter is out of time under section 60 of the Act which sets a two-year limitation period and declares that after that, the claim ceases to exist. Therefore, no further applications can be made with respect to the subject tenancy.