

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession and a Monetary Order for unpaid rent and to recover the cost of the filing fee from the Tenant for this application.

No one was in attendance for the Applicant landlord however the Respondent Tenant appeared at the hearing.

Issue(s) to be Decided

Has the Landlord proven entitlement to Orders under sections 55, 67, and 72 of the *Residential Tenancy Act*?

Background and Evidence

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

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

Conclusion

The 10 Day Notice to End Tenancy issued on November 9, 2009 is hereby cancelled and is of no force or effect.

I HEREBY DISMISS the Landlord's application, 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: January 06, 2010.

Dispute Resolution Officer