

DECISION

Dispute Codes OPR MNR FF

Introduction

This was a reconvened hearing which dealt with an Application for Dispute Resolution by the Landlord seeking an Order for Possession and a Monetary Order for unpaid rent, and recovery of the filing fee. The Landlord originally applied through the direct request process which, upon review, was granted an Order of Possession however the monetary portion of the claim was scheduled for a conference call hearing in accordance with section 74 of the *Residential Tenancy Act*.

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

Issue(s) to be Decided

Is the Landlord entitled to a Monetary Order pursuant to Sections 38, 67, 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 Landlord and respondent Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Landlord or respondent Tenant 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 is hereby dismissed with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's 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: January 07, 2010.

Dispute Resolution Officer