

DECISION

Dispute Codes CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants for an Order to cancel a notice to end tenancy for unpaid rent and to recover the cost of the filing fee from the Landlord for this application.

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

Issue(s) to be Decided

Are the Tenants entitled to Orders pursuant to Sections 46 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 respect to the Tenants requesting recovery of the filing fee, I note that the Tenants were exempt from paying the filing fee and therefore are not entitled to recover the fee.

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: January 29, 2010.

Dispute Resolution Officer