

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant for an Order to cancel a notice to end tenancy issued for cause.

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

Issue(s) to be Decided

Is the Tenant entitled to an Order to cancel a notice to end tenancy issued for cause under section 47 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 Tenant 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 Tenant or respondent Landlord called into the hearing during this time.

I note that an Order of Possession was previously issued to the Landlord on January 19, 2010 when the Landlord made application to end the tenancy under section 56 of

the Act. Based on the aforementioned I find that the Tenant has failed to present the merits of her application and the application is hereby dismissed

Conclusion

I HEREBY DISMISS the Tenants' application for a Monetary Order, 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: February 09, 2010.

Dispute Resolution Officer