

DECISION

Dispute Codes OPR, CNR, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and to recover the filing fee for this proceeding. The Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated January 16, 2010.

The hearing started as scheduled at 9:00 a.m. however by 9:10 a.m. neither party had dialled into the conference call. As there has been no hearing into the merits of the Landlords' application it is dismissed with leave to reapply. The Tenants' application is dismissed with leave to reapply subject to their ability to satisfy the requirements of s. 66(1) of the Act (for an extension of time to apply) given that the time to apply to set aside a Notice under s. 46 of the Act has now expired.

Conclusion

The Parties' respective applications are dismissed 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: March 03, 2010.

Dispute Resolution Officer