

## **DECISION**

Dispute Codes      CNR CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain an Order to cancel notices issued for unpaid rent and for cause, and to recover the cost of the filing fee from the Landlord for this application.

No one was in attendance for the Tenants however the Agent appeared on behalf of the respondent Landlord.

### Issue(s) to be Decided

Are the Tenants entitled to an Order to cancel notices pursuant to sections 46 and 47 of the *Residential Tenancy Act*?

### Background and Evidence

The Agent advised that an Order of Possession had been granted on the Landlord's application for dispute resolution and the Tenants vacated the rental unit by September 7, 2010.

### 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, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant

Tenants 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.

Conclusion

**I HEREBY DISMISS** the Tenants' 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: September 15, 2010.

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Dispute Resolution Officer