



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR MNR MNDC FF
MNDC MNDS RPP

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking an Order of Possession for unpaid rent, for a Monetary Order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Tenant for this application.

The Tenant filed seeking a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, return of all or part of the pet and or security deposit and to order the Landlord to return the tenant's personal property.

No one was in attendance for either the Landlord or the Tenant at the scheduled teleconference hearing.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession to the rental unit?

Is the Landlord entitled to a Monetary Order?

Is the Tenant entitled to a Monetary Order and the return of his property?

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 Landlord and Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the Landlord or Tenant called into the hearing during this time. Based on the aforementioned I find that the Landlord and the Tenant have not presented the merits of their application and both applications are hereby dismissed with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application with leave to reapply.

I HEREBY DISMISS the Tenant'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: December 06, 2010.

Dispute Resolution Officer