



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, for money owed or compensation for damage or loss under the Act, to keep all or part of the pet and or security deposit, and to recover the cost of the filing fee from the Tenant.

No one was in attendance for the applicant Landlord however the respondent Tenant appeared at the hearing.

### Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation, or tenancy agreement?
2. If so, is the Landlord entitled to an Order of Possession and a Monetary Order as a result of that breach?

### Background and Evidence

There was no additional evidence or testimony provided in support of the Landlord's claim as no one attended on behalf of the Landlord.

The Tenant advised that she vacated the property on September 5, 2010 and that she continued to pay rent until October 31, 2010. There were other occupants who

remained in the property after she vacated so she did understand why she was served with this application instead of the remaining tenants.

### 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 Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Landlord called into the hearing during this time. Based on the aforementioned I find that the Landlord has failed to present the merits of their application and the application was dismissed.

### Conclusion

I HEREBY DISMISS the Landlord's 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: January 17, 2011.

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Residential Tenancy Branch