

DECISION

Dispute Codes OPR, MNR, FF, CNR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*) and amendments thereto, I was designated to hear applications regarding the above-noted tenancy from both the landlords and the tenant. The landlords applied for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and utilities pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant applied for cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent and Utilities (the Notice) pursuant to section 46.

Neither party attended at the appointed time set for the hearing, although I waited until 9:47 a.m. to enable them to participate in this hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the dispute resolution officer. The dispute resolution officer may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence or submissions I order both applications dismissed with liberty to reapply.** I make no findings on the merits of these matters. Liberty to reapply is not an extension of any applicable limitation period. 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*.