



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. The oral hearing via teleconference started at 1:30 p.m. as scheduled however by 1:40 p.m. neither party had dialled into the conference call. As there has been no hearing into the merits of the Landlord's application, it is dismissed without leave to reapply.

The Landlord also applied for an Order that the Tenant pay a security deposit. However, there is no provision in the Act for such relief. Instead s. 47 of the Act provides that a Landlord may end a tenancy if one is required but not paid. As a result this part of the Landlord's application is dismissed without leave to reapply.

Conclusion

The Landlord's application is 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: October 31, 2011.

Residential Tenancy Branch