

DECISION

Dispute Codes OPR, MNR, MNDC, FF, CNR

There are applications filed by both parties. The Landlord has made an application for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and recovery of the filing fee. The Tenant has made an application to cancel the notice to end tenancy for unpaid rent.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on June 28, 2012 and has submitted a copy of the Customer Receipt in support. It was clarified at the beginning of the hearing by the Landlord that the Tenant's abandoned the rental unit on June 29, 2012 and that the Landlord regained possession of the rental unit on July 2, 2012 when they determined that the Tenant's had vacated the rental unit. The Landlord's state that an order of possession is no longer required.

As the Tenants have not attended the hearing and the Landlord's have, the Tenant's application is dismissed without leave to reapply.

As the Landlord has indicated that the Tenant's abandoned the rental unit on June 29, 2012 and that the notice of hearing and evidence package was sent on June 28, 2012 by Canada Post Registered Mail, I cannot be satisfied that the Tenant's received the Landlord's application. As such, the Landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitations period.

Conclusion

The Tenant's application is dismissed without leave to reapply.
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: July 11, 2012.

Residential Tenancy Branch