

## **DECISION**

Dispute Codes      OPR, MNR, MNDEC, MNSD, FF, ERP, RP, LRE

There are applications filed by both parties. The Landlord has filed an application for an order of possession and a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee. The Tenant has filed an application for an order for the Landlord to make emergency repairs for health or safety reasons, to make repairs to the unit, site or property, to suspend or set conditions on the Landlord's right to enter the rental unit and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Tenant has not submitted any documentary evidence. The Landlord states that the Tenants were served with the notice of hearing and evidence package by Canada Post Registered Mail on September 28, 2012 and has submitted in his direct testimony the Canada Post Tracking No. RW690284145CA as confirmation. The Landlord states as of the date of the hearing, that the Tenants are still in residence and have not paid any rent.

After waiting until 2:45pm and the Landlord has confirmed receipt of the Tenant's notice of hearing application filed September 4, 2012, I find that the Landlord has attended in response to the Tenant's application. As the Tenant has not attended and the Landlord has, I find that the Tenant's application is dismissed without leave to reapply.

At this time the Landlord has advised that he was unable to proceed today and asked that the matter be withdrawn, accordingly I dismiss the landlord's application with leave to reapply. Leave 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*.

Dated: October 09, 2012.

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Residential Tenancy Branch