Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes   CNC, OPC, MND, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a monetary order for damages to the rental unit, for compensation for damage or loss under the Act or tenancy agreement and to recover the filing fee for this proceeding. The Landlord also applied to keep the Tenant's security deposit. The Tenant applied to cancel a Notice to End Tenancy for Cause and to recover the filing fee for this proceeding.

The hearing started as scheduled at 1:30 p.m., however, by 1:40 p.m., neither party had dialled into the conference call.   In a previous hearing held on September 8, 2009, the Landlord was granted an Order of Possession to take effect 48 hours after service of it on the Tenant. Consequently, the Landlord's application for an Order of Possession and the Tenant's application to cancel a Notice to End Tenancy for Cause dated July 30, 2009 are dismissed without leave to reapply.   However as there has been no hearing into the merits of the Landlord's applications for compensation for damages to the rental unit, for damage or loss under the Act or tenancy agreement and to keep the Tenant's security deposit, they are dismissed with leave to reapply.

Conclusion

The Tenant's application is dismissed without leave to apply.   The Landlord's applications for an Order of Possession and to recover the filing fee for this proceeding are also dismissed without leave to apply.   The Landlord's applications for compensation for damages to the rental unit, for damage or loss under the Act or tenancy agreement and to keep the Tenant's security deposit are 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: September 22, 2009.

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Dispute Resolution Officer