

DECISION

Dispute Codes OPR, OPB, MNR, MNDC, FF

This is an application by the Landlord for an order of possession resulting from a notice to end the tenancy for unpaid rent or utilities and that the Tenant has breached an agreement with the Landlord.

The Landlord is also seeking a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and the recovery of the filing fee.

The Landlord appeared at the hearing by conference call. The Tenant did not attend.

At the beginning of the hearing the Landlord stated that the Tenant vacated the rental unit 2 days prior to the registered mail package for the notice of a hearing to be deemed served within the 5 days. I find that the Tenant has not been properly served with the hearing package and dismiss the Landlord's application with leave to reapply. The Landlord shall bear the cost of his application fee.

Conclusion

This 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: February 08, 2011.

Residential Tenancy Branch