

DECISION

Dispute Codes OPR

This is an application filed by the Landlord for an order of possession based upon a 10 day notice to end tenancy.

The Landlord's agent appeared and gave testimony. The Tenant did not attend. An occupant noted as K.O. appeared (as he did on RTB File No. #####), but is not a legal occupant and has no standing for this tenancy.

The Landlord states that the notice of hearing documents were posted on the door in October of 2011 on the rental unit door in accordance with Section 89 (2) of the Residential Tenancy Act. An application by a Landlord under section 55 (order of possession).

The Landlord states that the Tenant was deported sometime in the middle of September 2011. The Landlord served a 10 day notice to end tenancy for unpaid rent on September 30, 2011 by posting it on the door.

I find based upon the undisputed evidence of the Landlord that the Tenant was not properly served with the 10 day notice to end tenancy for unpaid rent and the dispute hearing cannot commence for lack of service. I note that the Landlord has not provided any evidence of service or a copy of the 10 day notice to end tenancy.

Conclusion

The Landlord's application is dismissed.

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: November 07, 2011.

Residential Tenancy Branch