



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

This is the Landlord's application for an Order of Possession for unpaid rent.

The Landlord's agents gave affirmed testimony at the Hearing.

The Landlord's agent AL testified that the Notice of Hearing documents were mailed, via registered mail, to the Tenant at the rental unit on March 15, 2011. The Landlord provided a copy of the registered mail receipt and tracking number in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord's agents gave the following testimony and documentary evidence:

On March 4, 2011, the Landlord's posted the 10 Day Notice to End Tenancy for Unpaid Rent on the Tenant's door at the rental unit.

The Landlord's agent testified that the Tenant has not paid the outstanding rent and that he remains in the rental unit.

Analysis

I accept the Landlord's agent's affirmed testimony that the Tenant was served with the Notice to End Tenancy by posting the Notice on the Tenant's door on March 4, 2011. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected three days after posting the document. The Tenant did not pay the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on March 17, 2011. The Landlord is entitled to an Order of Possession and I make that Order, effective 2 days after service of the Order upon the Tenant.

Conclusion

I hereby grant the Landlord an Order of Possession effective 2 days after service of the Order on the Tenant. After serving the Tenant with this Order, it may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: April 01, 2011.

Residential Tenancy Branch