



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC

Introduction

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

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

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were posted to the Tenant's door on August 10, 2011.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents pursuant to the provisions of Section 89(2)(d) of the Act. Service in this manner is deemed to be effected 3 days after posting 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 pursuant to the provisions of Section 55 of the Act?

Background and Evidence

The Landlord's agent gave the following testimony:

On June 25, 2011, at 1:30 p.m., the Landlord's agent served the Tenant with a One Month Notice to End Tenancy for Cause (the "Notice"), by posting the Notice on the Tenant's door at the rental unit with a witness present. The Landlord provided a copy of the Notice and a Certificate of Proof of Service document in evidence

The Landlord's agent testified that the Tenant remains in the rental unit.

Analysis

I accept that the Landlord served the Tenant with the Notice to End Tenancy by posting the Notice on the Tenant's door on June 25, 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 documents, June 28, 2011. The Tenant did not file for dispute resolution, within 10 days of receiving the documents. Therefore, pursuant to the provisions of Section 47(6) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on July 31, 2011.

Section 55(2)(b) of the Act provides:

Order of possession for the landlord

55 (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;

I find that 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 provide the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenant.** This Order must be served on the Tenant and 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: September 09, 2011.

Residential Tenancy Branch