

INTERIM DECISION

Dispute Codes: OPR; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent ; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenants.

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

The Landlord's agent SS testified that the Notice of Hearing documents were mailed to each of the Tenants, via registered mail, to the rental unit on October 14, 2011. The Landlord provided the receipts and tracking numbers for the registered documents in evidence.

Based on the affirmed testimony of the Landlord's agent SS and the documentary evidence provided by the Landlord, I am satisfied that the Tenants were 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 Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

In this Interim Decision, I am providing the background and evidence with respect to the Landlord's application for an Order of Possession only. I advised the Landlord's agents that I am reserving my decision with respect to the Landlord's application for a Monetary Order and that I would be providing that decision in due course.

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

Monthly rent is \$1700.00 per month, due the first day of each month. The Landlord's agent SS testified that the Tenants did not pay rent when it was due on October 1, 2011. The Landlord issued a Notice to End Tenancy on October 4, 2011, and the Landlord's agents SS and WG posted it to the Tenants' door on the same day. The Tenants have not paid any of the outstanding rent for October, 2011. A copy of the Notice to End Tenancy was provided in evidence.

The Landlord's agent WG testified that the Tenants may have moved, but it appears that there is still furniture in the rental unit, so the Landlord is not sure.

Analysis

I accept that the Landlord's agents served the Tenants with the Notice to End Tenancy by posting the Notice on the Tenants' door on October 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 documents. The Tenants did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenants are conclusively presumed to have accepted that the tenancy ended on October 17, 2011. The Landlord is entitled to an Order of Possession and I make that Order, **effective 3 days after posting the Notice to the Tenants' door.**

Conclusion

I hereby provide the Landlord an Order of Possession effective **3 days after posting the Notice to the Tenants' door at the rental unit.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

With respect to the remainder of the Landlord's Application for Dispute Resolution, I reserve my decision and will provide it in due course, but in any event within 30 days of today's date.

This interim 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 08, 2011.

Residential Tenancy Branch