



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

OPR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on July 6, 2012, at 1:40 p.m. the landlord served each tenant with the Notice of Direct Request Proceeding via posting to the tenant's door.

Based on the written submissions of the landlord, I find that each tenant has been served with the Direct Request Proceeding documents, effective 3 days after posting.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each tenant;
- A copy of a residential tenancy agreement which was signed by the parties on April 18, 2012, indicating a monthly rent of \$1,800.00 due on the 1<sup>st</sup> day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on June 27, 2012, with a stated effective vacancy date of July 10, 2012, for \$2,250.00 in unpaid rent due June 1, 2012.

Documentary evidence filed by the landlord indicates that the tenants have failed to pay rent owed and were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting to the tenant's door on June 27, 2012, at 11:50 a.m. with a witness present. The Act deems the tenants were served on June 30, 2012.

The Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within five days from the date of service.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with Notice to end tenancy as declared by the landlord.

The Notice is deemed to have been received by the tenants on June 30, 2012.

I accept the evidence before me that the tenants have failed to pay the rent owed in full within the 5 days granted under section 46 (4) of the *Act*. There was no evidence before me that the tenants applied to dispute the Notice.

Based on the foregoing, I find that the tenants are conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice; July 10, 2012.

Therefore, I find that the landlord is entitled to an Order of possession effective 2 days after service to the tenants.

### Conclusion

I find, pursuant to section 55 of the *Act*, that the landlord is entitled to an Order of Possession effective **two days after service** on the tenants and the Order may be filed in the Supreme Court 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: July 10, 2012.

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Dispute Resolution Officer  
Residential Tenancy Branch