



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPR

### **Introduction**

This Hearing proceeded by way of Direct Request Proceeding, pursuant to Section 55(4) of 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 August 30, 2012, at 8:15 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding by posting the documents to the Tenant's door at the rental unit. Section 90 of the Act deems service in this manner to be effected 3 days after posting the document.

Based on the written submissions of the Landlord, I find the Tenant was duly served with the Dispute Resolution Direct Request Proceeding documents on September 2, 2012.

### **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 Proof of Service of the Notice of Direct Proceeding;
- A copy of a residential tenancy agreement which was signed by the parties on July 13, 2012, indicating \$420.00 per month rent due on the second day of the month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on August 20, 2012, for \$630.00 in unpaid rent; and
- A Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent.

Documentary evidence filed by the Landlord indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting it on his door, on August 20, 2012 at 7:00 p.m. The Proof of Service document was signed by a witness. Service in this manner is deemed to be effective 3 days after posting the notice, August 23, 2012.

The Notice states that the Tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The Tenant did not pay the outstanding rent or apply to dispute the Notice to End Tenancy within five days.

### **Analysis**

**Order of Possession** - Based on the foregoing, I find that the Tenant is conclusively presumed, under Section 46(5) of the Act, to have accepted that the tenancy ended on August 29, 2012. Therefore, I find that the Tenant is overholding and I hereby provide the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenant.**

### **Conclusion**

I hereby provide the Landlord an Order of Possession effective **two days after service on the Tenant.** This Order 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 04, 2012.

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Residential Tenancy Branch