



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he served the tenant with the application for dispute resolution and notice of hearing by posting the hearing package on the rental unit door on August 21, 2013. Section 90 of the Act states that a document is deemed to have been served three days after posting. I find that the tenant is deemed served with notice of the hearing on September 4, 2013.

Section 89 of the Act does not permit service of an application for monetary compensation by posting the application. Therefore, the monetary portion of the landlord's application is dismissed with leave to reapply.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on June 1, 2013. Rent in the amount of \$550 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of August 2013 and on August 11, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of September 2013.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

Conclusion

The monetary portion of the landlord's application is dismissed with leave to reapply.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the 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: October 1, 2013

---

Residential Tenancy Branch