



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOCKE PROPERTY MANAGEMENT LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (referred to as the *Act*) in response to a landlord's application for an Order of Possession.

The landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that on November 4, 2013 the landlord served each tenant with the Notice of Direct Request by registered mail. Based on the written submissions of the landlord, I find that tenants were served with the Notice of Direct Request Proceeding requesting an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement signed by the landlord and the tenants on June 1, 2013 for a tenancy commencing on the same day for the monthly rent of \$970.00 payable on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on October 4, 2013 with an effective vacancy date of October 17, 2013 due to \$970.00 in unpaid rent due on October 1, 2013 (both pages of the two page approved form were provided);
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which states that the landlord served the notice to the tenants on October 4, 2013, by posting it to the tenants' door with a witness; and

- The Landlord's Application for Dispute Resolution made on November 4, 2013 requesting an Order of Possession. The details section states that the owner of the property (named in the tenancy agreement) contracted a company (named on the application) to manage the rental property on the owner's behalf.

Analysis

I have reviewed all the documentary evidence and accept that the tenants were served with the notice to end tenancy by posting it to the door. The *Act* states that documents are deemed to have been served 3 days after posting. Therefore, I find that the tenants were deemed to be served on October 7, 2013.

I accept the evidence before me that the tenants have failed to dispute the notice or pay the rent owed within the 5 days provided under Section 46(4) of the *Act*. Therefore, 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. I therefore find that the landlord is entitled to an Order of Possession.

Conclusion

For the reasons set out above, I grant the landlord an Order of Possession effective **two days after service on the tenants**. This order may then be filed and enforced in the Supreme Court 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: November 10, 2013

Residential Tenancy Branch

