



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was scheduled to be considered 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 and a Monetary Order. On December 12, 2013, an Interim Decision was issued, which should be read in conjunction with this Decision.

On December 12, 2013, this matter was adjourned to a participatory Hearing so that questions could be asked and answered with respect to service of documents and the amount of rent outstanding.

The Landlord GA attended the participatory Hearing on January 9, 2014, and gave affirmed testimony.

The Landlord GA testified that he served the Tenant with the original Notice of Direct Request Proceeding by registered mail sent to the rental unit, on December 5, 2013.

The Landlord GA stated that he served the Tenant with the Notice of Reconvened Hearing by registered mail sent December 17, 2013. GA provided the tracking numbers for the registered package.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession and Monetary Order?

Background and Evidence

A copy of the tenancy agreement was provided in evidence. This tenancy began on July 1, 2012. Monthly rent is \$625.00 due the first day of each month.

The Landlord GA testified that on November 5, 2013, at 7:09 p.m., he served the Tenant with the 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), by

posting the Notice on the Tenant's door at the rental unit. A copy of the Notice was provided in evidence.

The Landlord testified that the Tenant has not paid any of the outstanding rent, or any rent for the months of December, 2013 and January, 2014.

Analysis

Based on the undisputed affirmed testimony of the Landlord's agent and the documentary evidence provided, I find that the Notice was posted to the Tenant's door on November 5, 2013. Section 90 of the Act deems service in this manner to be effective 3 days after posting, in this case November 8, 2013.

The Tenant 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 Tenant is conclusively presumed to have accepted that the tenancy ended on November 18, 2013. Therefore, I find that the Landlord is entitled to an Order of Possession and a monetary award for unpaid rent for the months of October and November, 2013, in the amount of \$795.00.

Conclusion

I hereby grant the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$795.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: January 09, 2014

Residential Tenancy Branch

