



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding D D ACQUISITIONS PARTNERSHIP c/o LARLYN PROPERTY
MANAGEMENT
and [tenant name suppressed to protect privacy]

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 signed Proof of Service documents of the Notice of Direct Request Proceeding which declares that on February 20, 2014, at 12:15 p.m. the Landlord served each Tenant with the Notice of Direct Request Proceeding by posting them to the Tenants' door. Based on the written submissions of the Landlord, I find that each Tenant is deemed to be served with the Dispute Resolution Direct Request Proceeding documents on February 23, 2014, three days after they were posted to the door; in accordance with sections 89 and 90 of the *Residential Tenancy Act*.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession pursuant to section 55 of the *Residential Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- 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 each Tenant for a month to month tenancy that began on August 1, 2013, for the monthly rent of \$540.00 due in advance of the 1st of each the month; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, January 3, 2014, with an effective vacancy date listed as January 16, 2014, due to \$540.00 in unpaid rent that was due on January 1, 2014.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on January 3, 2014, at 4:00 p.m. when it was posted to their door, in the presence of a witness.

Analysis

Order of Possession - 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 received by the Tenants on January 6, 2014, three days after it was posted to the door, and the effective date of the notice is January 16, 2014, pursuant to section 90 of the *Act*. 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*.

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 and I hereby grant the Landlords an Order of Possession.

Conclusion

I HEREBY FIND that the Landlord is entitled to an Order of Possession effective **two days after service on the Tenants**. This Order is legally binding and must be served upon the Tenants.

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: February 27, 2014

Residential Tenancy Branch

