



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KEKULI INVESTMENTS 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* (the “Act”) in response to an application made by the Landlord for an Order of Possession for unpaid rent.

The Landlord submitted a signed Proof of Service declaring that the Notice of Direct Request documents for each Tenant were served by attaching them to the rental unit door on June 24, 2014 with a witness. Section 90(c) of the Act provides that a document served by attaching it to the door is deemed to have been received three days later. I accept the Landlord’s written evidence that each Tenant was served the Notice of Direct Request documents pursuant to Section 89(2) (d) of the Act, and I find that the Tenants were deemed to have received the documents on June 27, 2014.

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 which was signed by the Landlord and the Tenants on October 13, 2013 for a tenancy commencing on November 1, 2013. The agreement shows that rent in the amount of \$1,300.00 is payable by the Tenants on the first day of each month.
- A copy of a two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on June 2, 2014 with an expected vacancy date of June 12, 2014 due to \$1,300.00 in unpaid rent due on June 1, 2014.

- A copy of the Proof of Service of the Notice declaring the Landlord attached the Notice to the Tenants' door on June 2, 2014 in the presence of a witness who signed the Proof of Service to verify this method of service; and,
- The Landlord's Application for Dispute Resolution which was made on June 24, 2014 requesting an Order of Possession based on unpaid rent for June, 2014.

Analysis

I have reviewed the documentary evidence and I accept that the Tenants were served with the Notice, which complied with the Act, by attaching it to the Tenants' door with a witness. The Act states that documents served this way are deemed to have been received three days after being attached to the door. Therefore, I find that the Tenants were deemed to be served the Notice on June 5, 2014 and the effective date of vacancy on the Notice is automatically corrected to June 15, 2014 pursuant to section 53 of the Act.

I accept the evidence before me that the Tenants have failed to dispute the Notice or pay the rent within the five 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. As a result, the Landlord is entitled to an Order of Possession.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the Landlord 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 if the Tenants fail to vacate the rental unit in accordance with the order.

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: June 28, 2014

Residential Tenancy Branch

