



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## 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 were served by attaching them to the Tenant’s door on June 22, 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 the Tenant was served the Notice of Direct Request documents pursuant to Section 89(2) (d) of the Act, and I find that the Tenant was deemed to have received the documents on June 25, 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 tenancy agreement which was signed by the Landlord and Tenant on January 27, 2014 for a tenancy commencing on January 1, 2014. The agreement shows that rent in the amount of \$338.33 is payable by the Tenant 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 10, 2014 with an expected vacancy date of June 20, 2014 due to \$173.33 in unpaid rent due on May 1, 2014.

- A copy of the Proof of Service of the Notice declaring the Landlord personally served the Notice to the Tenant on June 10, 2014 in the presence of a witness who also signed the document to verify this method of service; and,
- The Landlord's Application for Dispute Resolution which was made on June 17, 2014 requesting an Order of Possession.

### Analysis

I have reviewed the documentary evidence and I accept that the Tenant was personally served with the Notice on June 10, 2014 as evidenced by the witness signature on the Proof of Service document.

I accept the evidence before me that the Tenant has failed to dispute the Notice or pay the rent owed on the Notice within the five days provided under Section 46(4) of the Act. Therefore, I find that the Tenant is conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on the vacancy 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 Tenant**. This order may then be filed and enforced in the Supreme Court as an order of that court if the Tenant fails 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 26, 2014

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Residential Tenancy Branch

