



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding S.I. PROPERTIES 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 were personally served to the Tenant on July 16, 2014. I accept the Landlord’s written evidence and find that the Tenant was served the Notice of Direct Request documents pursuant to Section 89(2) (a) of the Act.

### 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 Tenant on October 7, 2013 for a tenancy commencing on October 1, 2013. The agreement shows that rent in the amount of \$1,000.00 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 July 7, 2014 with an expected vacancy date of July 17, 2014 due to \$1,000.00 in unpaid rent due on July 1, 2014.
- A copy of the Proof of Service of the Notice declaring the Landlord served the Notice to the Tenant on July 7, 2014 by attaching it to the Tenant’s door in the presence of a witness. The witness signed the document to verify this method of service; and,

- The Landlord's Application for Dispute Resolution which was made on July 16, 2014 requesting an Order of Possession based on unpaid rent for July, 2014.

### Analysis

I have reviewed the documentary evidence and I accept that the Landlord served the Notice, which complied with the Act, by attaching it to the Tenant's door with a witness on July 7, 2014.

Section 90(c) of 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 Tenant was deemed to have received the Notice on July 10, 2014 and the vacancy date on the Notice is corrected to July 20, 2014 in accordance with Section 53 of the Act.

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 corrected vacancy date of the Notice and as a result, the Landlord is entitled to an immediate 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: July 21, 2014

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Residential Tenancy Branch

