



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL REALTY  
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 Proceeding documents were served by attaching them to the Tenant’s door on August 13, 2014. 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 Proceeding documents pursuant to Section 89(2) (d) of the Act, and I find that the Tenant was deemed to have received the documents on August 16, 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 25, 2014 for a tenancy commencing on the same day. The agreement shows that rent in the amount of \$915.00 is payable by the Tenant on or before 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 31, 2014 with an expected vacancy date of August 10, 2014 due to \$915.00 in unpaid rent for July, 2014.
- A copy of the Proof of Service of the Notice declaring the Landlord served the Notice to the Tenant on July 31, 2014 by attaching it to the Tenant’s door 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 August 13, 2014 requesting an Order of Possession for nonpayment of July, 2014 rent.

### 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 31, 2014. Using the deeming provisions of Section 90(c) of the Act, I find that the Tenant was deemed to have received the Notice on August 3, 2014 and therefore, the effective vacancy date on the Notice is corrected to August 13, 2014 pursuant to 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. As a result, the Landlord is entitled to an Order of Possession for unpaid rent.

### 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 voluntarily 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 Act.

Dated: August 17, 2014

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Residential Tenancy Branch

