



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### 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 and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that the Tenant was personally served with the Notice of Direct Request on September 5, 2014. As a result, I find that the Tenant was personally served with these documents in accordance with Section 89(1) (a) of the Act.

### Issue(s) to be Decided

- Is the Landlord entitled to an Order of Possession for unpaid rent?
- Has the Landlord established a monetary claim for unpaid rent?

### Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement made on December 1, 2013 and signed by the Tenant and Landlord for a tenancy commencing on the same day. The monthly rent payable is \$1,100.00 on the first day of each month;
- A copy of the two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on August 21, 2014 with an effective vacancy date of August 31, 2014 due to \$650.00 in unpaid rent due on August 1, 2014;
- A copy of the Proof of Service of the Notice stating the Landlord served the Notice to the Tenant on August 21, 2014 by attaching it to the Tenant’s door with a witness who signed the document to verify this method of service; and
- The Landlord’s Application for Dispute Resolution which was made on September 3, 2014. The Landlord explains in supporting documentation that the

Tenant has only made a partial payment of \$450.00 for August, 2014 leaving an outstanding balance of \$650.00 in unpaid rent.

### Analysis

I have reviewed the documentary evidence and accept that the Landlord served the Tenant with a Notice that complied with the Act, by attaching it to the Tenant's door with a witness on August 21, 2014. 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 be served the Notice on August 24, 2014 and the effective vacancy date on the Notice is corrected to September 3, 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 outstanding rent 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 date of the Notice and the Landlord is entitled to an Order of Possession and a Monetary Order 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 enforced in the Supreme Court as an order of that court if the Tenant fails to vacate the rental unit.

I further grant the Landlord a Monetary Order in the amount of **\$650.00** pursuant to Section 67 of the Act. This order must be served on the Tenant and may then be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

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: September 13, 2014

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Residential Tenancy Branch

