



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H & H Rempel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlords for an Order of Possession.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 7, 2014, at 4:30 p.m., the Landlords' agent served the Tenant with the Notice of Direct Request Proceeding by attaching a copy on the door at the rental unit. The Proof of Service documents is signed by a witness.

Based on the Landlords' written submissions, I find that the Tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Are the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlords submitted the following relevant evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;
- A copy of a residential tenancy agreement which was signed on March 13, 2013, indicating a monthly rent of \$850.00; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on October 7, 2014, with a stated effective vacancy date of October 20, 2014.

The documentary evidence indicates that the Landlord 's agent served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the document to the Tenant's door on October 7, 2014. The Proof of Service document is signed by a witness.

The Tenant has not applied to dispute the Notice to End Tenancy.

Analysis

I accept that Notice to End Tenancy was posted to the Tenant's door on October 7, 2014. Service in this manner is deemed to be effective 3 days after posting the document, in this case October 10, 2014. The Tenant failed to dispute the Notice to End Tenancy within the 5 days granted under Section 46 (4) of the Act.

Based on the foregoing, I find that the Tenant is conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice. Therefore, I find that the Landlords are entitled to an Order of Possession.

Conclusion

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession effective **two days after service** of the Order upon the Tenant. This Order may be filed in the Supreme Court 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: November 20, 2014

Residential Tenancy Branch

