



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a monetary order for outstanding rent.

The applicant testified that the respondent was served with notice of the hearing by posting it on the tenant's door on April 15, 2015, however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents that are posted on the door are deemed served three days after posting and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The applicant had applied for an Order of Possession and for a monetary order; however the documents were served by posting on the door and therefore have not been served in the required manner for monetary order, only for the Order of Possession.

Section 89 of the Residential Tenancy Act reads as follows:

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) *[director's orders: delivery and service of documents]*.

(2) An application by a landlord under section 55 ***[order of possession for the landlord]***, 56 *[application for order ending tenancy early]* or 56.1 *[order of possession: tenancy frustrated]* must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;**
- (e) as ordered by the director under section 71 (1) *[director's orders: delivery and service of documents]*.

I therefore will deal with the request for an Order of Possession; however the monetary portion of the application will be dismissed with leave to reapply.

### Background and Evidence

This tenancy began on March 1, 2014 with a monthly rent of \$800.00.

The tenant failed to pay the December 2014 rent, January 2015 rent, February 2015 rent, and March 2015 rent, and therefore on March 8, 2015 the tenant was served with a 10 day Notice to End Tenancy.

The tenant has failed to comply with that Notice to End Tenancy and has failed to pay any further rent.

The landlord is therefore requesting an Order of Possession for as soon as possible.

### Analysis

I accept the landlord sworn testimony that the tenant has failed to pay any rent from December 2014 through to today's date.

I also accept the landlord sworn testimony that the tenant was served with a 10 day Notice to End Tenancy that was sent by registered mail on March 8, 2015.

Therefore since the tenant has failed to comply with that Notice to End Tenancy it is my finding that the landlord does have the right to an Order of Possession.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent.

The monetary portion of this application is dismissed in full with leave to reapply.

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: May 19, 2015

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Residential Tenancy Branch

