



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NAV Holdings  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing (the “Hearing Documents”) which were posted to the door of the rental unit on April 2, 2015, the tenant did not participate in the conference call hearing.

Section 89 of the Residential Tenancy Act provides that Hearing Documents pertaining to a monetary order must be served either personally or via registered mail. Because posting Hearing Documents to the door of the rental unit is not effective service for a monetary order, I dismiss the claim for a monetary order with leave to reapply. Service by posting on a door is effective for a claim for an order of possession so the hearing proceeded to address that claim.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord’s undisputed testimony is as follows. The tenancy began on December 1, 2014 and rent was set at \$1,150.00 per month. The tenant paid rent in December and in the month of February 2015, but has not paid rent in the other months of the tenancy. On March 2, the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent (the “Notice”) by posting the Notice to the door of the rental unit.

### Analysis

I accept the landlord’s undisputed testimony and I find that the tenant received the Notice on March 5, 3 days after it was posted to the door of the rental unit. The tenant did not dispute the Notice and did not pay the rental arrears within 5 days of receipt of

the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I find that the landlord is entitled to an order of possession and I grant him that order, effective 2 days after service on the tenant. Should the tenant fail to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord has been partially successful in his claim, I find he should recover the filing fee paid to bring his application and I grant him a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court for enforcement if required. If the landlord holds a security deposit, the order may also be satisfied by a \$50.00 deduction from the security deposit.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$50.00.

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 14, 2015

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Residential Tenancy Branch

