



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOUIS WINKLER TRUST
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and NSF fees.

The landlord stated that on April 25, 2015 she served the notice of hearing package by posting the notice in a conspicuous place on the door to the rental unit. Section 90 of the Act states that a document is deemed to have been served three days after posting.

Based on the landlord's written submissions, I find that the tenant has been served with the notice of hearing documents. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

An application for a monetary order may not be served by posting. I therefore dismiss the monetary portion of the landlord's application for unpaid rent, with leave to reapply.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started in December 2013. The current monthly rent is \$920.00 due in advance on the first of each month.

The landlord testified that the tenant's rent cheque was returned for insufficient funds and that the tenant failed to pay rent on April 01, 2015. On April 10, 2015, the landlord served the tenant with a notice to end tenancy for unpaid rent of \$890.00, by posting the

notice on the front door. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on April 13, 2015 and did not pay outstanding rent nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord's monetary claim is dismissed 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: June 03, 2015

Residential Tenancy Branch

