



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      OPR MNR

### **Introduction**

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied 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 Proceeding, which declares that on September 09, 2015, the landlord served the tenant with notice of the direct request proceeding by posting the notice on the rental unit door. Section 90 of the Act states that a document is deemed to have been served three days after posting, on September 12, 2015. Based on the landlord's written submissions, I find that the tenant has been served with the Direct Request Proceeding documents.

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

### **Issue(s) to be Decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The Landlord submitted the following evidentiary material:

- a copy of a residential tenancy agreement, signed by the tenant on February 26, 2015, indicating a monthly rent of \$1,350, due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent, issued on September 03, 2015, with an effective date of September 13, 2015, for failure to pay rent in the amount of \$1,350.00 that was due on September 01, 2015
- a copy of the Proof of Service of a 10 Day Notice to End Tenancy, showing that the tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent in the presence of a witness on September 03, 2015

### **Analysis**

I have reviewed all documentary evidence and I accept that the tenant has been served with the notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. 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.

I therefore find that the landlord is entitled to an order of possession.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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 21, 2015

---

Residential Tenancy Branch

