



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INTERNATIONAL PROPERTIES CANADA LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as the Adjudicator had insufficient evidence to conclude that the Ten Day Notice to End Tenancy was properly served to the Tenant. The reconvened hearing was scheduled to consider the Landlord's application for an Order of Possession for Unpaid Rent.

The Resident Manager stated that on August 23, 2016 the Application for Dispute Resolution and evidence submitted to the Residential Tenancy Branch with the Application were sent to the Tenant at the rental unit, via registered mail. The Resident Manager cited a tracking number that corroborates this statement. I find that these documents have been served to the Tenant in accordance with section 89(2)(b) of the *Residential Tenancy Act (Act)*.

The Resident Manager stated that on August 31, 2016 notice of this participatory hearing was posted on the door of the rental unit. In the absence of evidence to the contrary I find that these documents have been served to the Tenant in accordance with section 89(2)(d) of the *Act*.

As the aforementioned documents have been served to the Tenant, the hearing on October 20, 2016 proceeded in the absence of the Tenant.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent?

Background and Evidence

The Resident Manager stated that:

- the tenancy began on June 01, 2016;
- the Tenant agreed to pay rent of \$880.00 plus \$30.00 in other fees; and
- on August 07, 2016 he posted the Ten Day Notice to End Tenancy for Unpaid Rent which has been submitted in evidence to the door of the Tenant's rental unit.

The Property Manager stated that:

- when the Ten Day Notice to End Tenancy for Unpaid Rent was posted on August 07, 2016 the Tenant owed \$1,870.00 in rent;
- on August 10, 2016 the Tenant paid \$500.00 in rent;
- on August 27, 2016 the Tenant paid \$1,050.00 in rent; and
- no rent has been paid since August 27, 2016.

The Ten Day Notice to End Tenancy for Unpaid Rent declares that the Tenant must vacate the rental unit by August 20, 2016.

Analysis

On the basis of the undisputed evidence I find that the Ten Day Notice to End Tenancy for Unpaid Rent that is the subject of this tenancy was posted on the door of the rental unit on August 07, 2016. Pursuant to section 90 of the *Act*, I find that this document is deemed to have been received by the Tenant on August 10, 2016.

On the basis of the undisputed evidence I find that the Tenant owed \$1,870.00 in rent on August 07, 2016.

Section 46(4) of the *Act* stipulates that a tenant has five days from the date of receiving the Ten Day Notice to End Tenancy to either pay the outstanding rent or to file an Application for Dispute Resolution to dispute the Notice to End Tenancy. In the circumstances before me I have no evidence that the Tenant exercised either of these rights and, pursuant to section 46(5) of the *Act*, I find that the Tenant accepted that the tenancy has ended. On this basis I will grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant.

Conclusion

The Landlord has been granted an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with 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: October 20, 2016

Residential Tenancy Branch