



Dispute Resolution Services

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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”), and dealt with an Application for Dispute Resolution by the Landlord for an order of possession and a monetary order for unpaid rent or utilities. A participatory hearing was not convened.

In support of service of the Notice of Direct Request Proceeding documents, the Landlord submitted a Canada Post registered mail receipt, dated March 3, 2018. Pursuant to sections 89 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. I find the Notice of Direct Request Proceeding documents are deemed to have been received by the Tenant on March 8, 2018.

Issues to be Decided

1. Is the Landlord entitled to an order of possession for unpaid rent or utilities?
2. Is the Landlord entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

The Landlord submitted a copy of a residential tenancy agreement, signed by the parties on August 14, 2017. The tenancy agreement confirmed a fixed-term tenancy for the period from September 1, 2017, to August 31, 2018. Rent in the amount of \$1,505.00 per month is due on the first day of each month. The Tenant paid a security deposit in the amount of \$700.00. The Tenant named in the style of cause is the only Tenant indicated on the tenancy agreement.

The Landlord also submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated February 7, 2018 (the “10 Day Notice”). The 10 Day Notice had an effective vacancy date of February 17, 2018, due to \$2,585.00 in unpaid rent.

Written submissions provided by the Landlord indicate the Tenant did not pay the full amount rent owed for the months of January and February 2018, and that the Tenant was served with the 10 Day Notice by posting it to the door of the rental unit on February 7, 2018. The 10 Day Notice states the Tenant had five days to pay the outstanding rent or dispute the 10 Day Notice

by filing and application for dispute resolution, or the tenancy would end. The Tenant did not pay the rent in full or apply to dispute the 10 Day Notice within five days.

Analysis

I have reviewed all documentary evidence and accept that the Tenant has been served with the 10 Day Notice as submitted by the Landlord. Pursuant to sections 88 and 90 of the *Act*, documents served by attaching them to the door of a rental unit are deemed to be received three days later. Accordingly, I find the Tenant is deemed to have received the 10 Day Notice on February 10, 2018, and that the effective date of the 10 Day Notice is amended to February 20, 2018, pursuant to section 53 of the *Act*. I accept the evidence before me that the Tenant failed to pay the rent in full or file an application for dispute resolution within 5 days after receipt of the 10 Day Notice, pursuant to section 46(4) of the *Act*.

Based on the foregoing, I find 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 10 Day Notice.

Conclusion

I find the Landlord is entitled to an order of possession effective **two (2) days** after service on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the Landlord is entitled to monetary compensation pursuant to section 67 of the *Act* and I grant a monetary order in the amount of **\$2,585.00** comprised of rent owed. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order in the Provincial Court of British Columbia (Small Claims) and be 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: March 8, 2018

Residential Tenancy Branch