



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ARDENT PROPERTIES INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR

### Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (referred to as the “Act”) in response to an application made by the Landlord for an Order of Possession for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that on March 5, 2014 the Landlord attached the Notice of Direct Request Proceeding to the Tenant’s door with a witness, pursuant to Section 89(2) (d) of the Act. Section 90(c) of the Act provides that a document served in this manner is deemed to have been received three days after attaching it. Based on the written submissions of the Landlord, I therefore find that the Tenant was served with the Notice of Direct Request Proceeding requesting an Order of Possession on March 8, 2014.

### Issue(s) to be Decided

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

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a tenancy agreement which was signed by the Landlord and the Tenant on May 17, 2013 for a tenancy commencing on June 1, 2013 for the monthly rent of \$695.00 payable on the first day of each month.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on February 4, 2014 with an expected vacancy date of February 19, 2014 due to \$695.00 in unpaid rent due on February 1, 2014 (both pages were provided);
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which states that the Landlord served the notice on February 4,

2014 by registered mail. The Landlord also provided the Canada Post tracking number and the mailing receipt as evidence for this method of service; and

- The Landlord's Application for Dispute Resolution which was made on March 4, 2014 requesting an Order of Possession.

### Analysis

I have reviewed all the documentary evidence and I find that the Tenant was served with the notice to end tenancy by registered mail pursuant to section 88(c) of the Act. Section 90(a) of the Act states a document is deemed to have been received 5 days after it is mailed. Therefore, I find that the Tenant was deemed to have received the notice to end tenancy on February 9, 2014.

I accept the evidence before me that the Tenant did not dispute the notice or pay the rent owed within the 5 days after receiving the notice as required by Section 46(4) of the Act. Therefore, 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 to end tenancy. As a result, the Landlord is entitled to an Order of Possession.

### Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the Landlord effective **2 days after service on the Tenant**. This order may then be filed and enforced in the Supreme Court as an order of that court if the Tenant fails to vacate the rental unit in accordance with the order.

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 10, 2014

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Residential Tenancy Branch

