



# 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 and dealt with an application by the landlord for an order of possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 9, 2012 at 10:00 a.m. the landlord personally served the tenant with the Notice of Direct Request Proceeding.

Based on the written submissions of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord entitled to the requested orders?

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding;
- A copy of the tenancy agreement which was signed by the parties on November 28, 1989, indicating a monthly rent of \$210.00; and
- A copy of a 10 Day Notice to End Tenancy dated April 9, 2012, with a stated effective date of April 19, 2012, for \$4,435.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant has failed to pay rent owed and was personally served with the 10 Day Notice on April 9, 2012 at 2:00 p.m. with park manager Brian Frid present as a witness. The Notice states that the

tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent or apply to dispute the Notice to End Tenancy within five days from the date of service.

### Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with 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 in full within the 5 days granted under the *Act*. There is no evidence before me that the tenant disputed the Notice.

Based on the foregoing, I find that the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice; April 19, 2012.

Therefore, I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent in the sum of \$4,435.00.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective two days after service on the tenant. This Order may be filed in the Supreme Court and enforced as an Order of that Court.

I find that the landlord is entitled to monetary compensation in the amount of \$4,435.00 for unpaid rent and I grant an Order in that amount. This Order may be filed in the Small Claims Court and enforced as an order of that Court.