



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 a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* in response to an application made by the landlord 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 which declares that on September 25, 2013 the landlord served the tenants personally with the Notice of Direct Request. Based on the written submissions of the landlord, I find that the tenants have been served with the Notice of Direct Request Proceeding requesting an Order of Possession and a Monetary Order.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?
Has the landlord established a monetary claim against the tenants for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord and the tenants on July 1, 2013 for a tenancy commencing on the same date for the monthly rent of \$950.00 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 September 14, 2013 with an effective vacancy date of September 24, 2013 due to \$1,562.00 in unpaid rent due on September 1, 2013 (both pages of the two page approved form 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 personally served the notice to the

tenants on September 14, 2013, with a witness. One of the tenants also signed the document to confirm receipt of it; and

- The Landlord's Application for Dispute Resolution which was made on September 24, 2013 claiming outstanding rent of \$1,562.00. The details section state that the tenant owes \$612.00 outstanding rent for August, 2013 and \$950.00 for September, 2013.

Analysis

I have reviewed all the documentary evidence and accept that the tenant was personally served with the notice to end tenancy as declared by the landlord on September 14, 2013. This is based on the documentary evidence of the landlord's witness and signed confirmation from one of the tenants for receipt of the notice.

I accept the evidence before me that the tenants failed to dispute the notice or pay the rent owed in full, within the 5 days granted under Section 46(4) of the *Act*. As a result, I find that the tenants are conclusively presumed under Section 46(5) of the *Act* to have accepted that the tenancy ended on the effective day of the notice. Therefore, the landlord is entitled to an Order of Possession and a Monetary Order.

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 tenants**. This order may then be filed and enforced in the Supreme Court as an order of that court.

I further grant a Monetary Order in the amount of **\$1,562.00** in favour of the landlord pursuant to Section 67 of the *Residential Tenancy Act*. This order must be served on the tenants and may then be filed in the Provincial Court (Small Claims) 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 27, 2013

Residential Tenancy Branch

