



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 26, 2014 the Landlord served the male Tenant with the Notice of Direct Request Proceeding by registered mail. Based on the written submission of the Landlord, I find the male Tenant has been served with the Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 26, 2014 the Landlord served the female Tenant with the Notice of Direct Request Proceeding by registered mail. Based on the written submission of the Landlord, I find the female Tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession, pursuant to section 55 of the *Act*?

Background and Evidence

I have reviewed the following evidence that was submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant.
- A copy of a residential tenancy agreement, which appears to be signed by both Tenants, which indicates that the tenancy began on November 01, 2013 and that the rent of \$700.00 is due by the first day of each month

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that appears to be signed by the female Landlord and is dated July 12, 2014, which declares that the Tenants must vacate the rental unit by July 22, 2014 as they have failed to pay rent in the amount of \$600.00 that was due on July 01, 2014. The Notice declares that the tenancy will end unless the Tenants pay the rent within five days of receiving the Notice or submit an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice.
- A copy of a signed Proof of Service of the 10 Day Notice to End Tenancy, in which the male Landlord declared that the Notice was personally served to the female Tenant on July 12, 2014, in the presence of the female Landlord, who also signed the Proof of Service.

In the Application for Dispute Resolution the Landlord declared that the 10 Day Notice to End Tenancy for Unpaid Rent was personally served on July 12, 2014.

In the Application for Dispute Resolution, the Landlord declared that the Tenant paid \$100.00 of the outstanding rent for July on July 22, 2014 and another \$350.00 of the July rent on August 04, 2014. The Landlord declared that no rent has been paid for August.

Analysis

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants entered into a tenancy agreement that required the Tenants to pay monthly rent of \$700.00 by the first day of each month.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that a 10 Day Notice to End Tenancy was personally served to the female Tenant on July 12, 2014.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants had not paid \$600.00 of the rent due for July of 2014 by the time the Landlord served the Tenant with the Notice to End Tenancy and that the Tenants had not paid \$150.00 of the rent due for July of 2014 by the time the Landlord filed this Application for Dispute Resolution.

I have no evidence to show that the Tenants filed an Application for Dispute Resolution seeking to set aside the Notice to End Tenancy. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenants accepted that the tenancy ended on the effective date of the Notice, which was July 22, 2014. I therefore find the Landlord is entitled to an Order of Possession.

Conclusion

I find that the Landlord is entitled to an Order of Possession that is effective two days after service on the Tenants. This Order may be served on the Tenants, 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: August 31, 2014

Residential Tenancy Branch

