



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ECER CONSTRUCTION SURVEYS LTD.
and [tenant name suppressed to protect privacy]

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 Landlords for an Order of Possession and a Monetary Order.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 22, 2014, at 3:22 p.m., the Landlords served the Tenant with the Notice of Direct Request Proceeding by registered mail to the Tenant at the rental unit. The Landlords provided a copy of the registered mail receipt and tracking numbers in evidence.

Based on the Landlords' written submissions, I find that the Tenant has been duly served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession and a Monetary Order for unpaid rent?

Background and Evidence

The Landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;
- A copy of a residential tenancy agreement which was signed by the parties on June 1, 2014, indicating a monthly rent of \$900.00 due on the first day of the month. The tenancy agreement is a one year lease;
- A Monetary Order Worksheet; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on October 10, 2014, with a stated effective vacancy date of October 21, 2014, for \$2,260.00 in unpaid rent.

Documentary evidence filed by the Landlords provides that the rent remains unpaid, as follows:

Unpaid rent for August, 2014	\$460.00
Unpaid rent for September, 2014	\$900.00
Unpaid rent for October, 2014	<u>\$900.00</u>
TOTAL	\$2,260.00

The documentary evidence indicates that the Landlords served the 10 Day Notice to End Tenancy for Unpaid Rent by mailing the document, by registered mail to the Tenant at the rental unit on October 10, 2014. The Landlords provided a copy of the registered mail receipt and tracking numbers.

The Tenant has not applied to dispute the Notice to End Tenancy.

Analysis

I have reviewed all documentary evidence and accept that the Tenant was served with Notice to End Tenancy on October 10, 2014, by registered mail. Service in this manner is deemed to be effected 4 days after mailing the document, in this case October 15, 2014.

I accept the evidence before me that the Tenant failed to pay the rent owed in full within the 5 days granted under Section 46 (4) of the Act.

Section 53 of the Act provides that an incorrect end-of-tenancy date on a notice to end tenancy is automatically corrected to the earliest date that complies with the Act. Based on the foregoing, I find that the Tenant is conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on October 25, 2014.

Therefore, I find that the Landlords are entitled to an Order of Possession and a Monetary Order for unpaid rent in the amount of **\$2,260.00**.

Conclusion

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession effective **two days after service** of the Order upon the Tenant. This Order may be filed in the Supreme Court and enforced as an Order of that Court.

Pursuant to the provisions of Section 67 of the Act, I hereby provide the Landlords with a Monetary Order in the amount of **\$2,260.00** for service upon the Tenant. This Order may 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: October 30, 2014

Residential Tenancy Branch

