



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **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 December 11, 2009 the Landlord personally served the Tenant with the Notice of Direct Request Proceeding at the rental unit. The Landlord received the Direct Request Proceeding package on December 11, 2009 and initiated service that day.

Based on the written submissions of the Landlord, I find the Tenant has been duly served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent pursuant to section 55 of the *Act*.

### Background and Evidence

I have reviewed the following evidence submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant
- A copy of a residential tenancy agreement that was signed by the Tenant, which indicates that the tenancy began on November 01, 2008, and that the rent of \$1,250.00 per month is due on the first day of the month
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was signed by one of the Landlords on December 05, 2009 which states that the Tenant must vacate the rental unit by December 15, 2009 unless the Tenant pays the rent within five days of receiving the Notice or submits an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the

Notice. The Notice declares that the Tenant owes rent, in the amount of \$1,250.00 that was due on December 01, 2009

- A copy of Proof of Service of the 10 Day Notice to End Tenancy, in which one of the Landlords declared that he personally served the Notice on an adult male who appears to be living with the Tenant, in the presence of the other Landlord, who also signed the Proof of Service.

On the Application for Dispute Resolution, the Landlord indicates that the 10 Day Notice to End Tenancy for Unpaid Rent was personally served to an adult male who apparently resides at the rental unit on December 05, 2009.

### Analysis

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenant did not pay the rent that was due on December 01, 2009.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenant was served with a 10 Day Notice to End Tenancy on December 05, 2009.

I have no evidence to show that the Tenant filed an Application for Dispute Resolution seeking to set aside the Notice to End Tenancy to that she paid the outstanding rent on, or before, December 10, 2009. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenant has accepted that the tenancy ended on December 15, 2009. On this basis, I find that the Landlord is entitled to an Order of Possession.

### 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 served on the Tenant, 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: December 22, 2009.

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Dispute Resolution Officer