



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes

OPR, MNR, FF

### 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 and a monetary order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 09, 2009 at 1535 hours one of the Landlords personally the Tenant with the initials "F.S.R. L.F." with the Notice of Direct Request Proceeding at the rental unit address. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 09, 2009 at 1535 hours one of the Landlords personally the Tenant with the initials "S.M.C.N." with the Notice of Direct Request Proceeding at the rental unit address. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 09, 2009 at 1810 hours one of the Landlords personally the Tenant with the initials "M.G." with the Notice of Direct Request Proceeding at the rental unit address. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 09, 2009 at 1535 hours one of the Landlords personally the Tenant with the initials "R.D.L." with the Notice of Direct Request Proceeding at the rental unit address. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

The Landlord received the Direct Request Proceeding package on December 09, 2009 and initiated service that day.

Issue(s) to be decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; and to recover the filing fee from the Tenants for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 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 each Tenant
- A copy of a residential tenancy agreement between the parties, which indicates that the tenancy began on November 01, 2009, and that the rent of \$1,150.00 is due on the first day of each month
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was signed by one of the Landlords on December 03, 2009 which declares that the Tenants must vacate the rental unit by December 13, 2009 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. The Notice indicates that the Tenants owe rent, in the amount of \$1150.00 that was due on December 01, 2009
- A copy of a signed Proof of Service of the Ten Day Notice to End Tenancy for Unpaid Rent, in which one of the Landlords declared that he personally served the Notice to the Tenant with the initials "D.R.L." at 3:00 p.m. on December 03, 2009.

On the Application for Dispute Resolution, the Landlord declared that the Landlord personally served the 10 Day Notice to End Tenancy on December 03, 2009.

On the Application for Dispute Resolution, the Landlord declared that the Tenants have refused to pay rent for December of 2009.

### Analysis

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 the outstanding rent from December of 2009, at the time the Landlord filed this Application for Dispute Resolution. I have no evidence to show that the Tenants paid the outstanding rent since the Landlord filed the Application for Dispute Resolution, and therefore I find that the Tenants owe rent in the amount of \$1,150.00.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants were served with a 10 Day Notice to End Tenancy on December 03, 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. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenant has accepted that the tenancy ended on December 13, 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.

I find that the Landlord has established a monetary claim, in the amount of \$1,200.00, which is comprised on \$1,150.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$1,200.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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