



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes OPR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding, which declares that on June 29, 2011 the landlord personally served the tenant with notice of the direct request proceeding.

Based on the landlord's written submissions, I find that the tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The Landlord submitted the following evidentiary material:

- a copy of a residential tenancy agreement, signed by the tenant on September 6, 2005, indicating a monthly rent of \$1800 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on May 23, 2011, with an effective vacancy date of June 3, 2011, for failure to pay rent in the amount of \$6120 that was due on May 1, 2011;
- a copy of the Proof of Service of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, showing that the tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent in the presence of witnesses on May 24, 2011; and
- a copy of the Landlord's Application for Dispute Resolution, filed June 23, 2011.

Analysis

I have reviewed all documentary evidence and I accept that the tenant has been served with the notice to end tenancy on May 24, 2011, as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice.

I therefore find that the landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in 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: July 21, 2011.

Residential Tenancy Branch