



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes OPR

### Introduction

This matter proceeded 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.

The landlords submitted signed Proofs of Service of the Notice of Direct Request Proceeding which declares that on November 10, 2011, the landlords served the tenants with the Notice of Direct Request Proceeding via posting on the door.

Based on the written submissions of the landlords, I find that the tenants have been duly served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

The issue to be decided is whether the landlords are entitled to an Order of Possession due to unpaid rent, pursuant to sections 46 and 55 of the Act.

### Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proofs of Service of the Notice of Direct Proceeding for the tenants;
- A copy of a residential tenancy agreement which was signed by the parties on September 18, 2010, indicating a monthly rent of \$900.00 due on the 30 or 31 day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on November 1, 2011, with a stated effective vacancy date of November 11, 2011, for \$900.00 in unpaid rent.

Documentary evidence filed by the landlords indicate that the tenants had failed to pay all rent owed and were served the 10 Day Notice to End Tenancy for Unpaid Rent by

posting on the door on November 1, 2011. Section 90 of the Act deems the tenants were served on November 4, 2011.

The Notice states that the tenants had five days to pay the rent in full or apply for Dispute Resolution or the tenancy would end. I have no evidence before me that the tenants applied to dispute the Notice to End Tenancy within five days from the date of service.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlords.

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

Based on the foregoing, I find that the tenants are conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice. Therefore, I find that the landlords are entitled to an Order of possession.

### Conclusion

I find that the landlords are entitled to an Order of Possession effective **two days after service** on the tenants.

This order is a **legally binding, final order**, and may be filed in the Supreme Court of British Columbia should the tenants fail to comply with this order of possession.

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: November 22, 2011.

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Residential Tenancy Branch