



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, & MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 13, 2012 the landlords served the tenants with the Notice of Direct Request Proceeding by hand.

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

Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for the tenants;
- A copy of a residential tenancy agreement which was signed by the parties on September 25, 2011 for a tenancy beginning October 15, 2011 for the monthly rent of \$1,050.00 due on the 15th of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, March 06, 2012 with an effective vacancy date of March 17, 2012 due to \$1,905.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenants had failed to pay the full rent owed that was due on February 15, 2012 and that the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent by hand on March 06, 2012.

The Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within five days.

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. The notice is deemed to have been received by the tenants on March 06, 2012. I accept the evidence before me that the tenants have failed to pay the rent owed due on February 15, 2012 within the 5 days granted under section 46 (4) of the *Act*.

However the landlord has only established the rent owed that was due on February 15, 2012 of \$1,050.00 and anything over this amount I find the landlords have failed to provide any evidence to substantiate the additional amount of \$855.00.

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.

Conclusion

I find that the landlords are entitled to an Order of Possession pursuant to section 55 effective **two days after service on the tenants**. This order must be served on the tenants and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlords are entitled to monetary compensation pursuant to section 67 in the amount of **\$1,050.00** for rent owed. This order must be served on the tenants and 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: March 21, 2012.

Residential Tenancy Branch