



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory matter was conducted 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 landlord for an order of possession and a monetary order for unpaid rent.

The landlord submitted two Proofs of Service of the Notice of Direct Request Proceeding which declares that on April 28, 2012, the landlord served each of the tenants with the Notices of Direct Request Proceeding via personal delivery.

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

Issue(s) to be Decided

Is the landlord entitled to an order of possession and a monetary order due to unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each tenant;
- A copy of a residential tenancy agreement which was signed by the parties on November 25, 2011, indicating a monthly rent of \$800.00 due on the first day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") which was served on April 20, 2012, with a stated effective vacancy date of April 30, 2012, for \$300.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenants had failed to pay all rent owed and were served the Notice by personal delivery.

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.

Analysis

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

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

I have no evidence before me that the tenants have filed an application to dispute the Notice.

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 landlord is entitled to an order of possession and a monetary order for unpaid rent.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenants.

I am enclosing the order of possession with the landlord's Decision. 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.

I find that the landlord is entitled to monetary compensation pursuant to section 67 of the *Act* and I grant the landlord a monetary order in the amount of \$150.00, comprised of rent owed.

I am enclosing the monetary order for \$150.00 with the landlord's Decision. This order is a **legally binding, final order**, and it may be filed in the Provincial Court of British Columbia (Small Claims) should the tenants fail to comply with this monetary order.

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: May 04, 2012.

Residential Tenancy Branch