



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR and MNR

Introduction

This hearing was conducted as a 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.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the landlord served the tenant with the Notice of Direct Request Proceeding sent by registered mail on May 30, 2012 .

Based on the written submission of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent and a Monetary Order for the 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 the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on February 1, 2008, a monthly rent of \$825, with Notice of Rent Increase to \$882.91 dated March 21, 2010, due on the first day of the month. A security deposit of \$412.50 was paid at the beginning of the tenancy ;

- A copy of a 10 Day Notice to End Tenancy for unpaid rent which was served by posting on the tenant's door on May 7, 2012 with an end of tenancy date of May 17, 2012;

Documentary evidence filed by the landlords indicates that the tenant had failed to pay the rent of \$882.91 which was due on May 1, 2012.

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

The landlord had requested a monetary claim in this application for the unpaid rent of \$882.91, comprised of the rent owed on May 1, 2012.

Analysis

I have reviewed all documentary evidence and accept that the tenant was served with Notice to End Tenancy as declared by the landlord.

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

Based on the foregoing, 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 which was May 23, 2012 taking into account the three days for deemed service of notice served by posting..

Therefore, I find that the landlord is entitled to an Order of Possession based on the Notice to End Tenancy of May 7, 2012.

I further find that the landlord is entitled to a Monetary Order for the unpaid rent.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service** on the tenant. The Order may be filed in the Supreme Court and enforced as an Order of that Court.

I further find that the landlord is entitled to a Monetary Order for the \$882.91 for the unpaid rent for May 2012, for service on the tenant. This Order is enforceable through the Provincial Court of British Columbia.

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: June 07, 2012.

Residential Tenancy Branch