



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes OPR

### 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 for the rental unit due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 10, 2012, the landlord served the tenant with the Notice of Direct Request Proceeding by leaving it with the tenant.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the direct request proceeding documents.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to unpaid rent?

### Background and Evidence

The landlord submitted the following additional evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties on July 20, 2012, indicating a monthly rent of \$790.00 due on the 1st day of the month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on September 2, 2012, with a stated effective vacancy date of September 12, 2012, for \$890.00 in unpaid rent, showing service upon the tenant on September 2, 2012, by leaving it with the tenant.

The Notice states that the tenant 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 tenant filed to dispute the Notice.

### Analysis

I have reviewed all documentary evidence and accept that the tenant was served with a 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*.

### Conclusion

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. Therefore, I find that the landlord is entitled to an order of possession for the rental unit effective two days after service on the tenant.

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 for enforcement should the tenant fail to vacate the rental unit in accordance with the terms of the 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*.