



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 a Direct Request proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* in response to an application made by the landlord for an Order of Possession and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that on December 20, 2012 the landlord served each of the two tenants personally with the Notice of Direct Request Proceeding. Based on the written submissions of the landlord, I find that the tenants have been served with the Notice of Direct Request proceeding requesting an Order of Possession and a monetary order.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?
Has the landlord established a monetary claim as against the tenants for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord and both tenants on September 19, 2012 for a tenancy commencing on October 1, 2012, for the monthly rent of \$1,400.00 payable on the 1st day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which was issued on December 13, 2012 with an effective date of vacancy of December 23, 2012, due to \$1,400.00 in unpaid rent that was due on December 1, 2012 (both pages of the 2-page form have been provided);
- A copy of a Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that states that the tenants were served with the notice on December 13, 2012 by personally handing the notice to one of the two tenants;
- The Landlord's Application for Dispute Resolution dated December 19, 2012 which states that the tenants have not paid the full amount of rent for the month of December, 2012, leaving a balance outstanding of \$1,400.00.

Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with the notice to end tenancy as declared by the landlord on December 13, 2012.

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

I therefore find that the landlord is entitled to an Order of Possession and a monetary order for unpaid rent.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective 2 days after service on the tenants.

I further grant a monetary order as against both tenants, jointly and severally, in the amount of \$1,400.00 in favour of the landlord pursuant to Section 67 of the *Residential Tenancy Act*.

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: December 31, 2012.

Residential Tenancy Branch