



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Homelife Glenarve Realty Chilliwack Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

OPR, MNR

### Introduction

This 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.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 4, 2013 at 12 p.m. the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail to the rental unit address. The Proof of service document was not signed by a landlord representative. The landlord provided a Canada Post receipt and tracking number as evidence of service. In the absence of a landlord signature I find, based on the Canada Post registered mail evidence, pursuant to Section 90 of the Act, that the tenant was served effective the 5<sup>th</sup> day after mailing.

Therefore, based on the written submissions of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

Is the landlord entitled to monetary compensation for 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 3, 2011, indicating a monthly rent of \$900.00 due on the 1<sup>st</sup> day of the month; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on March 18, 2013 with a stated effective vacancy date of April 1, 2013, for \$1,800.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant has failed to pay February and March 2013 rent owed and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting to the tenant's door on March 18, 2013 at 5 p.m., with the landlord's agent and a co-worker present as a witness.

The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end.

The landlord has claimed compensation in the sum of \$1,800.00 for February and March 2013 rent owed.

### Analysis

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

The Notice is deemed to have been received by the tenant on March 21, 2013; the 3<sup>rd</sup> day after posting.

I accept the evidence before me that the tenant has failed to pay the rent owed in full within the 5 days granted under section 46 (4) of the *Act*. There was no evidence before me that the tenant disputed the Notice.

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; April 1, 2013.

Therefore, I find that the landlord is entitled to an Order of possession and a monetary Order for unpaid February and March 2013 rent in the sum of \$1,800.00.

Based on these determinations I grant the landlord a monetary Order in the sum of \$1,800.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord has been granted a monetary Order and an Order of possession.

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: April 15, 2013

---

Residential Tenancy Branch

