



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Okanagan Strata Management  
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's agent for an Order of Possession.

The Landlord's agent submitted a signed Proof of Service of the Notice of Direct Request Proceeding for each of the Tenants which declare that on May 8, 2013, the Landlord's agent served each of the Tenants with the Notice of Direct Request Proceeding by handing the documents to the Tenants at the rental unit.

Based on the written submissions of the Landlord's agent, I find that the Tenants have been served with the Direct Request Proceeding documents.

### **Issue(s) to be Decided**

Is the Landlord's agent entitled to an Order of Possession and a Monetary Order for unpaid rent?

### **Background and Evidence**

The Landlord's agent submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each of the Tenants;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;
- A copy of a residential tenancy agreement which was signed by the Landlord's agent and by the Tenants on January 26, 2011, indicating a monthly rent of \$1,800.00 due on the first day of the month;

- A copy of the Tenant Ledger; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on May 2, 2013, with a stated effective vacancy date of May 15, 2013, for \$1,800.00 in unpaid rent.

Documentary evidence filed by the Landlord's agent indicates that the rent remains unpaid. The documentary evidence indicates that the Landlord's agent served the 10 Day Notice to End Tenancy for Unpaid Rent by handing the document to the Tenant RO on May 2, 2013, at 9:35 a.m. The Proof of Service document attaches a statement from a Witness.

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

### **Analysis**

I have reviewed all documentary evidence and accept that the Tenants were served with Notice to End Tenancy on May 2, 2013.

I accept the evidence before me that the Tenants have failed to pay the rent owed in full within the 5 days granted 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, May 15, 2013. Therefore, I find that the Landlord's agent is entitled to an Order of Possession.

### **Conclusion**

Pursuant to the provisions of Section 55 of the *Act*, I hereby provide the Landlord's agent with an Order of Possession effective **two days after service** of the Order upon the Tenants. This Order may be filed in the Supreme Court and enforced as an Order of that Court.

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 24, 2013

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Residential Tenancy Branch

