



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOOKE REALTY LTD.
and [tenant name suppressed to protect privacy]

DIRECT REQUEST DECISION

Dispute Codes

OPR

Introduction

This application proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act. The landlord seeks an Order of Possession based on a 10-Day Notice to End Tenancy for Unpaid Rent dated April 2, 2013.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on Monday April 22, 2013 at 4:55 p.m., the landlord served each tenant with the *Notice of Direct Request Proceeding* by registered mail as confirmed by a copy of the Canada Post tracking numbers..

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

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent and a monetary Order for unpaid rent pursuant to sections 55 and 67 of the Act?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding served by registered mail and Proof of Service of the Ten-Day Notice, verifying service to the tenant, in person on April 2, 2013, in front of a witness.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on April 2, 2013, with an effective date of April 13, 2013 for \$900.00 in rental arrears, and

- A copy of a residential tenancy agreement which was signed on September 1, 2012 by the parties confirming rent of \$900.00 per month, due on the first day of the month.

The documentary evidence filed by the landlord indicates that the tenant had failed to pay \$900.00 rent owed for the month of April 2013, and was served with a 10-Day Notice to End Tenancy for Unpaid Rent, on April 2, 2013.

Analysis

I have reviewed all documentary evidence and written submission filed by the landlord.

Based on the evidence, I find that the tenant was duly served with a Notice to End Tenancy for Unpaid Rent. The Notice states that the tenant had five days to pay the rent, or to apply for Dispute Resolution to dispute the Notice, or the tenancy would end. I find that the tenant did not apply to dispute the Notice to End Tenancy within five days and did not pay the arrears within five days.

I find that the tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an Order of Possession.

I hereby grant the landlord an Order of Possession, effective two days after service on the tenant. This order must be served on the respondent and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is successful in the Direct Request application and is granted 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: May 08, 2013

Residential Tenancy Branch