



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION
and [tenant name suppressed to protect privacy]

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 May 24, 2013 the landlord served the tenant with the Notice of Direct Request by hand. Based on the written submissions of the landlord, I find that the tenant has been served with the Notice of Direct Request 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 against the tenant 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 the tenant on November 3, 2012 for a tenancy commencing on November 1, 2012 for the monthly rent of \$840.00 payable on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which was issued on May 17, 2013 with an effective vacancy date of May 27, 2013 due to \$400.00 in unpaid rent that was due on May 1, 2013 (both pages of the 2-page form have been provided);

- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which states that the landlord served the notice on May 17, 2013, by leaving it personally with the tenant; and
- The Landlord's Application for Dispute Resolution which was made on May 24, 2013 claiming \$400.00 of outstanding rent.

Analysis

I have reviewed all documentary evidence and accept that the tenant has been served in person with the notice to end tenancy on May 17, 2013 based on the Proof of service document which was signed by a witness and also acknowledged and signed by the tenant.

I accept the evidence before me that the tenant has failed to dispute the notice or pay the rent owed in full, within the 5 days granted under Section 46 (4) of the *Act*. As a result, I find that the tenant is conclusively presumed under Section 46 (5) of the *Act* to have accepted that the tenancy ended on May 27, 2013. Therefore, the landlord is entitled to an Order of Possession and a monetary order in the amount of \$400.00 for unpaid rent.

Conclusion

For the reasons set out above, I find the landlord is entitled to an Order of Possession effective **2 days after service on the tenants**. This order must be served on the tenant and may be filed and enforced in the Supreme Court as an order of that Court.

I find that the landlord is also entitled to monetary compensation pursuant to Section 67 in the amount of **\$400.00**. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: June 04, 2013

Residential Tenancy Branch