



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR and MNR

Introduction

This hearing was conducted as a 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 the landlords served the tenant with the Notice of Direct Request Proceeding in person on August 7, 2013.

Based on the written submission of the landlords, I find that the tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent and a Monetary Order for the 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 May 16, 2013 at a monthly rent of \$2,000, due on the last day of the month, with a security deposit of \$1,000 and pet damage deposit of \$500 to be paid on June 15, 2013;

- A copy of a 10 Day Notice to End Tenancy for unpaid rent which was served in person on August 1, 2013.

Documentary evidence filed by the landlords indicates the tenant paid only \$300 of the \$2,000 rent that was due on July 31, 2013.

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

The landlord had requested a monetary claim in this application for the unpaid rent of \$1,700, the balance of the rent for August 2013.

Analysis

I have reviewed all documentary evidence and accept that the tenant was served with the Notice to End Tenancy as declared by the landlords.

I accept the evidence before me that the tenant failed to pay the rent owed in full within the five days granted under section 46(4) of the *Act*.

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 which was August 11, 2013.

Therefore, I find that the landlord is entitled to an Order of Possession based on the Notice to End Tenancy of August 1, 2013.

I further find that the landlord is entitled to a Monetary Order for \$1,700 in unpaid rent, the unpaid balance for August 2013.

Conclusion

The landlords' copy of this Decision is accompanied by an Order of Possession effective **two days after service** on the tenant. The Order may be filed in the Supreme Court and enforced as an Order of that Court.

The landlord is also provided with a Monetary Order for \$1,700.00 for the unpaid rent for service on the tenant. This Order is enforceable through the Provincial Court of British Columbia.

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: August 16, 2013

Residential Tenancy Branch

