



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

### 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 landlords for an Order of Possession and a Monetary Order.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the landlords served the tenants with the Notice of Direct Request Proceeding in person on August 20, 2013.

Based on the written submission of the landlords, I find that the tenants have 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. The application states that the landlords chose to defer the request for a Monetary Order to a future application.

### 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 tenants;
- A copy of a residential tenancy agreement which was renewed by the parties on October 23, 2012 for a one year fixed term tenancy at a monthly rent of \$950 with a security deposit of \$475 paid on October 15, 2011;

- A copy of a 10 Day Notice to End Tenancy for unpaid rent which was served in person on August 12, 2013.

Documentary evidence filed by the landlords, including the tenants' ledger indicates the tenants had an accumulated rent arrears of \$2,945 as of August 2013 including the \$950 due on August 1, 2013.

The Notice to End Tenancy 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.

As noted, the landlords did not request a Monetary Order in the present application.

### Analysis

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

I accept the evidence before me that the tenants 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 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 which was August 30, 2013.

Therefore, I find that the landlord is entitled to an Order of Possession based on the Notice to End Tenancy of August 20, 2013.

### Conclusion

The landlord's copy of this Decision is accompanied by an Order of Possession effective **two days after service** on the tenants. The 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: August 30, 2013

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Residential Tenancy Branch

