



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

OPR, MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (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 on June 18, 2013 an agent for the Landlord personally served both Tenants with the Notice of Direct Request Proceeding. In the absence of evidence to the contrary, I find the Tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

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

### Background and Evidence

I have reviewed the following evidence submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant
- A copy of a residential tenancy agreement, which appears to be signed by both Tenants and which indicates that the tenancy began in May of 2013 and that the monthly rent is \$1,400.00.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was signed by an agent for the Landlord and is dated June 06, 2013, which declares that the Tenants must vacate the rental unit by June 16, 2013 unless the Tenants pay the rent within five days of receiving the Notice or submit an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice. The Notice declares that the Tenants owe rent, in the amount of \$1,400.00, that was due on June 01, 2013

- A copy of a Proof of Service of the Ten Day Notice to End Tenancy for Unpaid Rent, in which an agent for the Landlord stated that he personally served the male Tenant with the Notice to End Tenancy on June 06, 2013. The Proof of Service is signed by a third party who witnessed the service of the Ten Day Notice to End Tenancy.

On the Application for Dispute Resolution, the Landlord indicates that the Notice to End Tenancy was personally served on June 06, 2013 and that the Tenants did not pay rent for June of 2013.

### Analysis

On the basis of the undisputed evidence, I find that the Tenants entered into a tenancy agreement that required them to pay monthly rent of \$1,400.00 and that the Tenants had not paid rent for June of 2013 by the time the Landlord filed this Application for Dispute Resolution. I have no evidence to show that the Tenants paid the outstanding rent since the Application for Dispute Resolution was filed and therefore I find that the Tenants owe rent in the amount of \$1,400.00 for June of 2013.

On the basis of the undisputed evidence, I find that a 10 Day Notice to End Tenancy was personally served to the male Tenant on June 06, 2013. I have no evidence to show that the Tenants filed an Application for Dispute Resolution seeking to set aside the Notice. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenants accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

The Landlord is entitled to an Order of Possession effective two days after service on the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$1,400.00, for unpaid rent and I grant the Landlord a monetary Order in that amount. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims 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: July 02, 2013

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Residential Tenancy Branch