



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CENTURY 21 ACE AGENCIES LTD
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 August 2, 2013 the landlord served the tenant with the Notice of Direct Request by registered mail. Section 90 of the *Act* provides that a document is deemed to have been served five days after mailing. Based on the written submissions of the landlord, I find that the tenant has been served with the Notice of Direct Request Proceeding 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 May 1, 2013 for a tenancy commencing on May 1, 2013 for the monthly rent of \$800.00 payable in advance on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on July 5, 2013 with an effective vacancy date of July 15, 2013 due to \$800.00 in unpaid rent due on July 1, 2013 (the 2 pages of the form were 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 personally served the notice to the tenant on July 5, 2013, which the tenant personally signed for; and

- The Landlord's Application for Dispute Resolution which was made on August 2, 2013 claiming \$800.00 of outstanding rent.

Analysis

I have reviewed all documentary evidence and accept that the tenant was served with the notice to end tenancy as declared by the landlord on July 5, 2013 and that the content of notice to end tenancy met the requirements of the *Residential Tenancy Act*.

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 the effective day of the notice. Therefore, the landlord is entitled to an order of possession and a monetary order.

Conclusion

For the reasons set out above, I hereby grant an order of possession in favour of the landlord effective **2 days after service on the tenant**. This order may then be filed and enforced in the Supreme Court as an order of that court.

I further grant a monetary order in the amount of **\$800.00** in favour of the landlord pursuant to Section 67 of the *Residential Tenancy Act*. This order must be served on the tenant and may then 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: August 09, 2013

Residential Tenancy Branch

