



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR & MNR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 11, 2013 the landlords served the tenants with the Notice of Direct Request Proceeding by hand.

Based on the written submissions of the landlord, I find that the tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

### Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on July 26, 2013 for a tenancy beginning August 01, 2013 for the monthly rent of \$950.00 due on the 1st of the month; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, September 03, 2013. The landlords omitted to put down the effective vacancy date but the Notice was issued due to \$950.00 in unpaid rent.

Documentary evidence filed by the landlords indicates that the tenants had failed to pay the full rent owed for the month of August and that the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent by hand on September 03, 2013. The landlords indicate also that \$100.00 was paid on August 30, 2013 by a third party and the outstanding rent is now \$850.00.

The Notice 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.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlords. The notice is deemed to have been received by the tenants on September 03, 2013 and therefore the effective date of the notice is September 13, 2013. I accept the evidence before me that the tenants have failed to pay the rent owed in full within the 5 days granted under section 46 (4) of the *Act*.

Based on the foregoing, I find that the tenants have conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

I find that the landlords are entitled to an Order of Possession, pursuant to section 55 of the *Act*, effective **two days after service on the tenants**. This order must be served on the tenants and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlords are entitled to monetary compensation, pursuant to section 67 of the *Act*, in the amount of **\$850.00** for rent owed. This order must be served on the tenants 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: September 20, 2013

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Residential Tenancy Branch

