



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 a Direct Request Proceeding, pursuant to Section 55(4) of the Residential Tenancy Act (referred to as the Act) in response to an application made by the landlords for an Order of Possession and a Monetary Order for unpaid rent.

The landlords submitted a signed Proof of Service of the Notice of Direct Request which declares that on November 30, 2013 the landlords personally served the tenant with the Notice of Direct Request with a witness. Based on the written submissions of the landlords, 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

Are the landlords entitled to an Order of Possession for unpaid rent?

Have the landlords established a monetary claim against the tenant for unpaid rent?

Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of a tenancy agreement which was signed by one of the landlords and the tenant on May 1, 2013 for a tenancy commencing on the same day for the monthly rent of \$900.00 payable on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on November 5, 2013 with an effective vacancy date of November 15, 2013 due to \$1,000.00 in unpaid rent due on November 1, 2013 (both pages of the approved 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 landlords served the notice to the tenant personally on November 4, 2013, with a witness; and
- The Landlord's Application for Dispute Resolution was made on November 28, 2013. The landlord claims in the details section of the application that the tenant did not pay the full rent for November, 2013 and \$100.00 outstanding rent for October, 2013. As a result, the landlords claim a total of \$1,000.00 from the tenant.

Analysis

I have reviewed all the documentary evidence and accept that the tenant was personally served with the notice to end tenancy as declared by the landlords.

I accept the evidence before me that the tenant 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 landlords are 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 landlords 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 **\$1,000.00** in favour of the landlords 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: December 09, 2013

Residential Tenancy Branch

