



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ABC REALTY
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* (the 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 December 13, 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 such 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 tenancy agreement which was signed by the landlord and the tenant on March 1, 2013; the tenancy commenced on same day for a monthly rent of \$1,150.00 payable in advance on or before the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on December 2, 2013 with an effective vacancy date of December 12, 2013 due to \$2,440.00 in unpaid rent due on December 1, 2013 (both pages of the 2 page approved form were provided as evidence);
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities stating the landlord served the notice to the tenant personally on

December 2, 2013; the tenant signed the proof of service document acknowledging receipt of the notice to end tenancy; and

- The Landlord's Application for Dispute Resolution made on December 13, 2013 claiming a total of \$2,440.00 in outstanding rent comprising of: \$140.00 for October, 2013; \$1,150.00 for November, 2013; and \$1,150.00 for December, 2013.

Analysis

I have reviewed the documentary evidence and accept that the tenant was personally served with the notice to end tenancy based on the tenant's own acknowledgment.

I accept the evidence before me that the tenant has failed to dispute the notice or pay the rent owed within the 5 days provided under Section 46(4) of the Act. Therefore, 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 date of the notice. I therefore find that the landlord is entitled to an Order of Possession and a Monetary Order for unpaid rent.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favor 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 **\$2,440.00** in favor of the landlord pursuant to Section 67 of the 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 Act

Dated: December 19, 2013

Residential Tenancy Branch

