



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RENASCANCE ENTERPRISES and SHANNON LAKE CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlords for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The Landlords submitted signed Proof of Service of the Notice of Direct Request Proceeding documents which declares that on December 17, 2013, at 2:05 p.m. the Landlords served each Tenant with the documents in person. Each Tenant signed the proof of service document acknowledging receipt of the Direct Request documents. Based on the written submissions of the Landlords, I find that each Tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlords:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant;
- A copy of a residential tenancy agreement which was signed by all parties for a fixed term tenancy beginning May 1, 2013, and ending April 30, 2014, for the monthly rent of \$1,150.00 due on the 1st of the month;

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, December 3, 2013, with no effective vacancy date listed, due to \$1,190.00 in unpaid rent that was due on December 1, 2013; and
- A tenant ledger which indicates that unpaid rent of \$20.00 was accumulated from October 2013 plus \$1,150.00 from December 2013. The remaining balance was for administrative or cheque certification fees.

Documentary evidence filed by the Landlords indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on December 3, 2013, when it was personally served to Tenant. The Tenant signed the 10 Day Notice acknowledging receipt.

Analysis

Order of Possession - I have reviewed all documentary evidence and accept that the Tenants have been served with notice to end tenancy as declared by the Landlord. The notice was received by the Tenants on December 3, 2013; therefore, the effective date of the notice is December 13, 2013, pursuant to section 46 of the *Act*. 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 are conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice and I hereby grant the Landlords an Order of Possession.

Monetary Order – The evidence supports that the Tenants have failed to pay the accumulated unpaid rent in violation of section 26 of the *Act* which provides that a tenant must pay rent when it is due under the tenancy agreement. As per the aforementioned I approve the Landlords' request for a Monetary Order for \$20.00 for October and \$1,150.000 for December 2013 in the amount of **\$1,170.00**.

Any deposits currently held in trust by the Landlords are to be administered in accordance with Section 38 of the *Residential Tenancy Act*.

Conclusion

I HEREBY FIND that the Landlords are entitled to an Order of Possession effective **two days after service on the Tenants**. This Order is legally binding and must be served upon the Tenants.

The Landlords have been awarded a Monetary Order for **\$1,170.00**. This Order is legally binding and must be served upon the Tenants.

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 19, 2013

Residential Tenancy Branch

