



# 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* (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 the landlord personally served the tenant with the Notice of Direct Request with a witness. The landlord provided a proof of service document containing the signature of the witness and the tenant who acknowledged the Notice of Direct Request. Based on this, 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 signed by the landlord and the tenant on June 14, 2013 for a tenancy commencing on July 1, 2013 for the monthly rent of \$700.00 payable to the landlord on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 11, 2014 with an effective vacancy date of January 21, 2014 due to \$2,100.00 in unpaid rent due on January 1, 2014 (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 personally to the tenant on January 11, 2014; the tenant signed the proof of service document acknowledging receipt of the notice to end tenancy; and
- The Landlord's Application for Dispute Resolution which was made on January 17, 2014 claiming \$2,100.00 of outstanding rent relating to November and December, 2013 and January, 2014.

### 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 **\$2,100.00** 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 *Residential Tenancy Act*.

Dated: January 21, 2014

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Residential Tenancy Branch

