



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Regent Park Pinnacle Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes OPR

### Introduction

This non-participatory, ex parte matter was conducted by way of a Direct Request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), via the documentary submissions of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit due to unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The landlord submitted 2 signed Proofs of Service of the Notice of Direct Request Proceeding which declares that on December 27, 2013, the landlord served each tenant with the Notice of Direct Request Proceeding, including the landlord's application, via registered mail. Pursuant to section 90 of the Act, the documents were deemed served 5 days later.

Based on the written submissions of the landlord, I find that the tenants have been served with the Direct Request Proceeding documents as required under section 89(1) of the Act.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit?

### Background and Evidence

The landlord submitted the following additional evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties on October 4, 2013, indicating a monthly rent of \$2500 due on the first day of the month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was dated on December 10, 2013, with a stated effective move out date of December 31, 2013, listing \$2500 in unpaid rent; and

- Proof that the tenants were served the Notice by attaching it to the tenants' door December 10, 2013. Section 90 of the Act deems the tenants were served on December 13, 2013.

The Notice states that the tenants had five days to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

I have no evidence before me that the tenants have filed an application for dispute resolution to dispute the Notice.

#### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with a notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenants 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. Therefore, I find that the landlord is entitled to an order of possession for the rental unit.

#### Conclusion

I grant the landlord an order of possession for the rental unit effective two days after service on the tenants, which is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should the tenants fail to comply with the terms of the order of possession. The tenants are advised that costs of such enforcement may be recovered from 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* and is being mailed to both the applicant and the respondents.

Dated: January 07, 2014

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Residential Tenancy Branch