



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary Order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 23, 2014 the Landlord served the Tenant with the initials "K.P." with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted Canada Post documentation that corroborates this declaration. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the Landlord served the Tenant with the initials "A.P." with the Notice of Direct Request Proceeding by registered mail. The Proof of Service of the Notice of Direct Request Proceeding does not specify the date of service. The Landlord submitted Canada Post documentation that corroborates this declaration and which indicates the documents were served on February 23, 2014. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Direct Request Proceeding documents.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the Landlord served the Tenant with the initials "T.P." with the Notice of Direct Request Proceeding by registered mail. The Proof of Service of the Notice of Direct Request Proceeding does not specify the date of service. The Landlord submitted Canada Post documentation that corroborates this declaration and which indicates the documents were served on February 23, 2014. Based on the written submissions of the Landlord, I find that this Tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Act*?

Background and Evidence

I have reviewed the following evidence submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant
- A copy of a residential tenancy agreement, which appears to be signed by each Tenant, which indicates that the tenancy began on October 01, 2013 and that the rent of \$835.00 is due by the first day of each month
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which appears to be signed by an agent for the Landlord and is dated February 07, 2014, which declares that the Tenants must vacate the rental unit by February 17, 2014 unless the Tenants pay the rent within five days of receiving the Notice or submit an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice. The Notice declares that the Tenants owe rent, in the amount of \$835.00, that was due on February 01, 2014
- A copy of a Proof of Service of the Ten Day Notice to End Tenancy for Unpaid Rent, in which an agent for the Landlord declared that the agent for the Landlord posted the Notice at the rental unit on February 07, 2014

On the Application for Dispute Resolution, the Landlord indicates that the Ten Day Notice to End Tenancy was posted on February 07, 2014 and that rent for February has not been paid.

Analysis

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I am satisfied that the Tenants entered into a tenancy agreement that required the Tenants to pay monthly rent of \$835.00 by the first day of each month and that the Tenants had not paid rent for February of 2014 by the time the Landlord filed this Application for Dispute Resolution. I have no evidence to show that the Tenants paid the outstanding rent since the Application for Dispute Resolution was filed and therefore I find that the Tenants owe rent in the amount of \$835.00.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that a 10 Day Notice to End Tenancy was posted at the rental unit on February 07, 2014.

I have no evidence to show that the Tenants filed an Application for Dispute Resolution seeking to set aside the Notice to End Tenancy. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenants accepted that the tenancy ended ten days after the Tenants are deemed to have received the Notice that was posted at the rental unit on February 07, 2014.

Conclusion

I find that the Landlord is entitled to an Order of Possession effective two days after service on the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the Landlord has established a monetary claim, in the amount of \$835.00, for unpaid rent and I grant the Landlord a monetary Order in that amount. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims Court 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: March 03, 2014

Residential Tenancy Branch

