



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 signed Proofs of Service of the Notice of Direct Request Proceeding which declare that on March 19, 2014 the Landlord personally served each Tenant with the Notice of Direct Request Proceeding. The female Tenant signed one of the documents to acknowledge service. Based on the written submissions of the Landlord, I find the Tenants have 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 both Tenants and which indicates that the tenancy began on September 01, 2012 and that the rent of \$525.00 per month 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 the Landlord and is dated on March 05, 2014, which declares that the Tenants must vacate the rental unit by March 15, 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 \$1,275.00 that was due by March 01, 2014

- A copy of a Proof of Service of the Ten Day Notice to End Tenancy for Unpaid Rent, in which the Landlord stated that the Landlord personally served the female Tenant with the Notice on March 05, 2014. The female Tenant appears to have signed the Notice to acknowledge receipt of the Notice.

On the Application for Dispute Resolution, the Landlord indicates that the Landlord personally served the 10 Day Notice to End Tenancy on March 05, 2014; that the Tenant owes \$525.00 in rent from January; that the Tenant owes \$200.00 in rent from February; and that the Tenants owe \$550.00 in rent from March.

Analysis

On the basis of the undisputed evidence, I find that the Tenants entered into a tenancy agreement that required the Tenants to pay monthly rent of \$525.00 by the first day of each month.

On the basis of the undisputed evidence, I find that the Tenant had not paid any rent for January and March of 2014, and that the Tenant still owed \$200.00 in rent from 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 \$1,250.00.

I note that the Landlord is claiming \$550.00 in rent for March of 2014. As the tenancy agreement shows that monthly rent is \$525.00 and there is no evidence the rent was increased to \$550.00, I am unable to conclude that the Tenant was obligated to pay more than \$525.00 in rent for March of 2014.

On the basis of the undisputed evidence, I find that a 10 Day Notice to End Tenancy was personally served to the female Tenant on March 05, 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 on the effective date of the Notice, which was March 15, 2014. I therefore find that the Landlord is entitled to an Order of Possession.

Conclusion

I grant the Landlord 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.

The Landlord has established a monetary claim, in the amount of \$1,250.00, 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 26, 2014

Residential Tenancy Branch

