



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 a Landlord’s application 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 served each Tenant with the Notice of Direct Request by registered mail on March 19, 2014. The Landlord provided the Canada Post tracking numbers as evidence for this method of service. Section 90(a) of the Act states that a document served by mail is deemed to have been received 5 days after it is mailed. Based on this, I find the Tenants were deemed served with the Notice of Direct Request Proceeding on March 24, 2014.

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 Tenants for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement signed by the Landlord and the Tenants on October 30, 2013 for a tenancy commencing on November 1, 2013. Monthly rent of \$1,200.00 is payable on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) issued on March 11, 2014 with an effective vacancy date of March 21, 2014 due to \$1,500.00 in unpaid rent due on March 1, 2014 (both pages were provided);

- A copy of the Proof of Service of the Notice stating the Landlord personally served it to one of the Tenants on March 11, 2014. The Tenant signed the Proof of Service document acknowledging receipt of the Notice; and,
- The Landlord's Application for Dispute Resolution made on March 19, 2014 claiming outstanding rent of \$1,500.00 comprising of \$300.00 outstanding for February, 2014 rent and \$1,200.00 unpaid rent for March, 2014.

Analysis

I have reviewed the documentary evidence and I accept that the Tenants were personally served with a Notice that complied with the Act on March 11, 2014; this is supported by the Tenant's own signed acknowledgment for receipt of the Notice.

I accept the evidence before me that the Tenants have failed to dispute the Notice or pay the rent owed on the Notice within the 5 days provided under Section 46(4) of the Act. Therefore, I find that the Tenants are conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on the date of the Notice. I therefore find that the Landlord is entitled to an Order of Possession and a Monetary Order.

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 Tenants**. 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 **\$1,500.00** in favor of the Landlord pursuant to Section 67 of the Act. This order must be served on the Tenants and may 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: March 25, 2014

Residential Tenancy Branch

