



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory 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 landlords, and dealt with an application for dispute resolution by the landlords for an order of possession for the rental unit and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice").

The landlords submitted 2 signed Proofs of Service of the Notice of Direct Request Proceeding which declares that on February 24, 2014, the landlord served each tenant with the Notice of Direct Request Proceeding, including the landlords' 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 landlords, 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

Are the landlords entitled to an order of possession for the rental unit and a monetary order due to unpaid rent?

Background and Evidence

The landlords submitted the following additional evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties on October 27, 2013, indicating a monthly rent of \$1075 due on the first day of the month beginning on November 1, 2013;

- A copy of the 10 Day Notice to End Tenancy for Unpaid Rent and Utilities which was dated February 4, 2014, with a stated effective move out date of February 15, 2014, listing \$1950 in unpaid rent as of February 1, 2014; and
- A signed Proof of Service that the tenants were served the Notice by attaching it to the tenants' door on February 4, 2014. Section 90 of the Act deems the tenants were served on February 7, 2014. Therefore the effective vacancy date, February 15, 2014, is automatically corrected to February 17, 2014, pursuant to section 53 of the Act.

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 of the landlords and accept that the tenants have been served with a notice to end tenancy as submitted by the landlord.

I accept the landlords' documentary evidence 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 landlords are entitled to an order of possession for the rental unit and a monetary order for unpaid rent in the amount of \$1950.

Conclusion

Pursuant to section 55(4)(b) of the Act, I grant the landlords 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.

I grant the landlords a monetary order in the amount of \$1950, pursuant to section 67 of the Act, comprised of rent owed, which is enclosed with the landlords' Decision. This order is a legally binding, final order, and should the tenants fail to pay the landlords this amount without delay after being served the order, the order may be filed in the

Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. 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 applicants and the respondents.

Dated: March 07, 2014

Residential Tenancy Branch

