



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 two Proofs of Service of a Notice of Direct Request Proceeding, which declare that on April 10, 2014 an agent for the Landlord personally served each Tenant with the Notice of Direct Request Proceeding. Based on the written submissions of the agent for 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 a 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 May 01, 2012 and that the rent of \$1,250.00 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 the Landlord and is dated April 02, 2014, which declares that the Tenants must vacate the rental unit by April 14, 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 \$625.00, that was due on April 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 he personally served the male Tenant with the Notice on June 12, 2014. The Proof of Service appears to be signed by the Tenant with the initials "E.O", to acknowledge service.

On the Application for Dispute Resolution, the Landlord indicates that the Notice to End Tenancy was personally served on April 02, 2014 and that rent for April is in arrears, by the amount of \$625.00.

Analysis

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants entered into a tenancy agreement that required the Tenants to pay monthly rent of \$1,250.00 and that the Tenants still owed \$625.00 in rent for April 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 \$625.00.

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 personally served to the Tenant on April 02, 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 is April 14, 2014.

Conclusion

I find that the Landlord is entitled to an Order of Possession that is effective at 1:00 p.m. on April 14, 2014. 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 \$625.00, 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: April 11, 2014

Residential Tenancy Branch

