



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 for each Tenant declaring that the Notice of Direct Request was served to each Tenant personally on April 17, 2014 pursuant to section 89(1) (a) of the Act. Based on this, I find that the Landlord served the Tenants with Notice of Direct Request Proceeding documents as required by the Act.

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 one of the Tenants on February 10, 2014 for a tenancy commencing on the same day. Monthly rent of \$950.00 is payable by the Tenants on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") issued on April 11, 2014 with an effective vacancy date of April 21, 2014 due to \$950.00 in unpaid rent due on April 1, 2014 (both pages of the 2 page approved form were provided);

- A copy of the Proof of Service of the Notice showing the Landlord personally served the Notice to the Tenants on April 11, 2014 with a witness; one of the Tenants also signed the Proof of Service document acknowledging the Notice; and,
- The Landlord's Application for Dispute Resolution made on April 17, 2014 claiming outstanding rent in the amount of \$950.00.

Analysis

I have reviewed the documentary evidence and I accept that the Tenants were personally served in the presence of a witness with the Notice, the contents and format of which complied with the Act.

I accept the evidence before me that the Tenants have failed to dispute the Notice or pay the rent owed 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 effective date of the Notice. I therefore find that the Landlord is entitled to an Order of Possession and a Monetary Order for unpaid rent.

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 **\$950.00** 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: April 30, 2014

Residential Tenancy Branch

