



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD
and [tenant name suppressed to protect privacy]

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; the Landlord also provided written evidence showing that each Tenant had signed to acknowledge receipt of the Notice of Direct Request Proceeding documents. As a result, I am satisfied that the Tenants were served the documents in accordance with Section 89(1) (a) of 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 tenancy agreement signed by the Landlord and one of the Tenants on May 17, 2012 for a tenancy commencing on June 1, 2012. Rent in the amount of \$920.00 is payable by the Tenants in advance by the first day of each month;
- A copy of a 2 page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on June 2, 2014 with an effective vacancy date of June 9, 2014 due to \$1,710.00 in unpaid rent due on June 1, 2014;

- A copy of the Proof of Service of the Notice which shows the Landlord served the Notice to the Tenants on June 2, 2014, by attaching it to the Tenants' door with a witness who signed to verify this method of service;
- The Landlord's Application for Dispute Resolution made on June 24, 2014 claiming outstanding rent of \$1,355.00 comprising of \$435.00 of unpaid rent for May, 2014 and \$920.00 of unpaid rent for June, 2014; and
- A letter from the current Landlord explaining a change in the management company from the one recorded on the tenancy agreement to the one documented on the Application.

Analysis

Based on the letter provided by the Landlord named in the Application, I am satisfied on the balance of probabilities that the Landlord took over management of the rental suite, thus becoming the Landlord of the Tenant in this tenancy.

I have reviewed the documentary evidence and I accept that the Tenants were served with the Notice on June 2, 2014, which complied with the Act, by attaching it to the Tenants' door with a witness. The Act states that documents served this way are deemed to have been received three days after being attached to the door. Therefore, I find that the Tenants were deemed to be served the Notice on June 5, 2014 and the effective date of vacancy on the Notice is automatically corrected to June 15, 2014 pursuant to section 53 of the Act.

I accept the evidence before me that the Tenants failed to dispute the Notice or pay the outstanding rent within the five 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 corrected date of the Notice. As a result, 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 **\$1,355.00** 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: June 26, 2014

Residential Tenancy Branch

