



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KANDOLA VENTURES INC
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 on July 22, 2014. Based on the written evidence of the Landlord, I find that both Tenants were served with Notice of Direct Request documents as required by 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 residential tenancy agreement signed by the Landlord and the Tenants on August 5, 2013 for a tenancy commencing on September 1, 2013. The monthly rent of \$1,200.00 is payable by the Tenants on the 31st day of each month;
- A copy of a two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on July 15, 2014. The Notice shows an effective vacancy date of July 25, 2014 due to \$1,200.00 in unpaid July, 2014 rent, which was payable on June 30, 2014;

- A copy of the Proof of Service of the Notice declaring the Landlord personally served the Notice to one of the Tenants on July 15, 2014 with a witness who signed the Proof of Service document verifying this method of service; and,
- The Landlord's Application for Dispute Resolution made on July 22, 2014 claiming unpaid rent in the amount of \$1,200.00 for July, 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 July 15, 2014 in the presence of a witness.

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 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 vacancy date of the Notice. Therefore, 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 **two 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 **\$1,200.00** 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: July 25, 2014

