



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "*Act*"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent and a monetary Order.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceedings which declares that on June 11, 2014, the male landlord (the landlord) handed both of the Respondents/tenants Notices of Direct Request Proceedings. I find that the landlord has served the Respondents with the Direct Request Proceeding documents as declared by the landlord.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*? Are the landlords entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proofs of Service of the Notices of Direct Request Proceedings served to the tenant;s
- A copy of a residential tenancy agreement which was signed by the landlords Tenant JN (the female tenant or the tenant) on May 9, 2014 and May 20, 2014, indicating a monthly rent of \$800.00 due on the 1st day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) handed to the tenant on June 2, 2014, with a stated effective vacancy date of June 12, 2014, for \$800.00 in unpaid rent.

Witnessed documentary evidence filed by the landlords indicate that the tenant failed to pay all outstanding rent was served by handing her the 10 Day Notice at 7:22 p.m. on June 2, 2014. In accordance with sections 88 and 90 of the *Act*, the tenant was served with this 10 Day Notice on June 2, 2014, as declared by the landlord.

The Notice states that the tenant had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within five days from the date of service.

Analysis

As only the female tenant has signed this Residential Tenancy Agreement, the landlords are only able to take action against the female tenant in their application for dispute resolution.

I have reviewed all documentary evidence and accept that the female tenant has been deemed served with notice to end tenancy as declared by the landlords. I accept the evidence before me that the tenant has 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 tenant is conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the 10 Day Notice, June 12, 2014.

Therefore, I find that the landlord is entitled to an Order of Possession and a monetary Order against the female tenant in the amount of \$800.00 for unpaid rent owing from June 2014.

Conclusion

I grant an Order of Possession to the landlords effective **two days after service of this Order** on the female tenant. Should the female tenant or anyone else on the rental premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 67 of the *Act*, I find that the landlords are entitled to a monetary Order in the amount of \$800.00 for rent owed for June 2014. The landlords are provided with these Orders in the above terms and the female tenant must be served with **this Order** as soon as possible. Should the female tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 19, 2014

Residential Tenancy Branch

