



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BLOOMSBURY PROPERTIES LTD./RPM INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of 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 and a Monetary Order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on July 10, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail.

Section 90 of the Act determines that documents served in this manner are deemed to have been served five days later, whether or not the tenant refuses or neglects to accept the documents.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the Direct Request Proceeding documents as of July 15, 2014.

Issues to be Decided

- Is the landlord is entitled to an Order of Possession for unpaid rent?
- Is the landlord is entitled a Monetary Order for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the tenant including the receipt and tracking number for the registered letter;

- A copy of a Residential Tenancy Agreement which was signed by the parties on October 20, 2005, indicating a monthly rent of \$780.00 due on the first day of the month;
- Copies of the Notices of Rent Increase for the following dates and for the following amounts:
 - May 22, 2007 from \$780.00 to \$811.00;
 - May 28, 2008 from \$811.00 to \$830.00;
 - May 22, 2009 from \$830.00 to \$850.00; and
 - September 19, 2012 from \$850.00 to \$882.30.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on June 10, 2014 with a stated effective vacancy date of June 20, 2014, for \$882.30 in unpaid rent due on June 1, 2014.

Documentary evidence filed by the landlord indicates that the tenant failed to pay all rent owed and was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting on the tenant's door on June 10, 2014. Section 90 of the Act deems the tenant was served on June 13, 2014. The Act automatically corrects the effective vacancy date to 3 days later, June 23, 2014.

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

I have reviewed all documentary evidence and accept that the tenant has been served with the notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay all 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 corrected effective date of the Notice, June 23, 2014. Therefore, I find that the landlord is entitled to an Order of possession and a monetary Order for unpaid rent.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two (2) days after service** on the tenant and the Order may be filed in the Supreme Court and enforced as an Order of that Court.

I find that the landlord is entitled to monetary compensation pursuant section 67 in the amount of **\$882.30** comprised of rent owed.

This Order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 30, 2014

Residential Tenancy Branch