



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WARYAM MANGEMENT LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession for unpaid rent 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 August 21, 2014 at 4:00 p.m. the Landlord personally served each Tenant with the Notice of Direct Request Proceeding. Based on the written submissions of the Landlord, I find that each Tenant was sufficiently served with the Direct Request hearing documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each named Tenant;
- A copy of a residential tenancy agreement which lists only the Limited Company as the Landlord; and was signed by the Landlord's Agent and both Tenants. The tenancy agreement was for a month to month tenancy that began on July 1, 2014, for the monthly rent of \$700.00 due on the 1st of the month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued and served on, August 6, 2014, with an effective vacancy date listed as August 7, 2014, due to \$700.00 in unpaid rent that was due on August 1, 2014.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on August 6, 2014, at 8:30 p.m. when it was personally served upon K.V., in the presence of a witness.

Analysis

I have reviewed all documentary evidence and note that Landlord is listed on all documents as the limited company name. The Agent's name is not listed as Landlord on the tenancy agreement or on the 10 Day Notice. Therefore, as this application has been filed under the Direct Request process I find it can only proceed showing the limited company name as Landlord. Accordingly, the style of cause was amended pursuant to section 64(3)(c) of the Act.

I accept that the Tenants have been served with notice to end tenancy as declared by the Landlord. The notice was received by the Tenants on August 6, 2014, and the effective date of the notice is August 16, 2014, pursuant to section 46 of the Act. I accept the evidence before me that the Tenants have 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 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 and I hereby grant the Landlord an Order of Possession.

The evidence supports that the Tenants have failed to pay rent in accordance with section 26 of the Act which stipulates that a tenant must pay rent when it is due under the tenancy agreement. As per the aforementioned I find the Landlord has met the burden of proof and I award them a Monetary Order for August 2014 unpaid rent of **\$700.00**.

Any deposits currently held in trust by the Landlord are to be administered in accordance with Section 38 of the *Residential Tenancy Act*.

Conclusion

The Landlord has been granted an Order of Possession effective **Two (2) Days after service upon the Tenants**. In the event that the Tenants do not comply with this Order it may be filed with the Province of British Columbia Supreme Court and enforced as an Order of that Court.

The Landlord has been awarded a Monetary Order for **\$700.00**. This Order is legally binding and must be served upon the Tenants. In the event that the Tenants do not

comply with this Order it may be filed with the Province of British Columbia Small Claims Court 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: August 27, 2014

Residential Tenancy Branch

