



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 Proceeding was served to each Tenant personally, in the presence of a witness who verified this method of service, on August 24, 2014. Based on the written evidence of the Landlord, I find that the 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 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 two of the Tenants on June 1, 2012 for a tenancy commencing on September 1, 2012. The agreement requires the Tenants to pay monthly rent of \$1,200.00 on the first 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 August 8, 2014. The Notice shows an effective vacancy date of August 18, 2014 due to \$1,060.00 of outstanding rent payable on August 1, 2014;

- A copy of the Proof of Service of the Notice declaring the Landlord personally served the Notice to one of the Tenants on August 8, 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 August 22, 2014 claiming unpaid rent in the amount of \$1,060.00. The Landlord explains on the Monetary Order Worksheet that the Tenants only paid \$590.00 for July, 2014 rent and only \$750.00 for August, 2014 rent. This left a total outstanding balance at the time the Notice was served in the amount of \$1,060.00 for unpaid rent.

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 August 8, 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 **\$1,060.00** 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: September 09, 2014

Residential Tenancy Branch

