



# Dispute Resolution Services

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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 declaring that the Notice of Direct Request Proceeding was personally served to the Tenant on August 20, 2014, in the presence of a witness who verified this method of service. Based on the written evidence of the Landlord, I find that the Tenant was 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 against the Tenant?

### Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement signed by the Landlord and the Tenant on October 2, 2012 for a tenancy commencing on October 1, 2012. The agreement requires the Tenant to pay monthly rent of \$675.00 on the tenth 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 11, 2014. The Notice shows an effective vacancy date of August 21, 2014 due to \$1,875.00 of outstanding rent payable on August 10, 2014;

- A copy of the Proof of Service of the Notice declaring the Landlord personally served the Notice to the Tenant on August 11, 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 19, 2014 claiming unpaid rent. The Landlord explains on the Monetary Order Worksheet that the Tenant is in rent arrears; \$525.00 for June, 2014, \$675.00 for July, 2014 and \$675.00 for August, 2014, for a total amount of \$1,875.00 in unpaid rent.

### Analysis

I have reviewed the written evidence and accept the Tenant was personally served with a Notice on August 11, 2014 that complied with the Act, in the presence of a witness.

I accept the evidence before me that the Tenant has 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 Tenant is 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 Tenant**. 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 **\$1,875.00** in favor of the Landlord pursuant to Section 67 of the Act. 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 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

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Residential Tenancy Branch

