



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 in response to a Landlord's Application for Direct Request for an Order of Possession and a Monetary Order for unpaid rent, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act").

The Landlord submitted a signed Proof of Service declaring that the Notice of Direct Request Proceeding documents were personally served to the Tenant on October 30, 2014. The Tenant signed the Proof of Service document to verify receipt of the Notice of Direct Request documents. Therefore, I find that the Tenant was served with the required documents pursuant to 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 tenancy agreement signed by the Landlord and the Tenant March 19, 2012 for a tenancy commencing on April 1, 2012. The agreement requires the Tenant to pay \$850.00 in rent on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") issued on October 15, 2014. The Notice shows a vacancy date of October 25, 2014 due to \$1,356.64 of outstanding rent payable on October 1, 2014;
- A copy of the Proof of Service of the Notice declaring the Landlord personally served the Notice to the Tenant on October 15, 2014 with a witness who signed the Proof of Service document verifying this method of service;

- The Landlord's Application for Direct Request made on October 30, 2014 claiming unpaid rent in the amount of \$1,356.64;
- The Monetary Order Worksheet which explains that the Tenant is in rental arrears for partial rent payments made for 13 months of the tenancy; and
- A 'Rent History' document which shows the payments made by the Tenant during the course of the tenancy.

Analysis

I have reviewed the written evidence and I accept the Tenant personally received the Notice, the form and content of which complied with the Act, on October 15, 2014 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 **\$1,356.64** 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: October 31, 2014

Residential Tenancy Branch

