



# 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

The landlords applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 1, 2014 the landlords served the Notice of Direct Request Proceeding and supporting documents upon the tenant by registered mail sent to the rental unit. The landlords provided a registered mail receipt, including tracking number, as proof of service. Section 90 of the Act deems a person to have received documents five days after mailing. .

Based on the written submissions of the landlords, I find that the tenant has been served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

Are the landlords entitled to an Order of Possession and monetary compensation for unpaid rent?

### Background and Evidence

The landlords submitted copies of the following evidentiary material:

- A residential tenancy agreement which was signed by the parties on July 31, 2013, indicating a monthly rent of \$980.00 due on the 1<sup>st</sup> day of every month starting August 1, 2013 for a fixed term expiring February 28, 2014 and then converting to a month-to-month tenancy;
- A 10 Day Notice to End Tenancy for Unpaid Rent which was issued on September 3, 2014 with a stated effective vacancy date of September 13, 2014, for \$1,260.00 in unpaid rent as of September 1, 2014;
- A Proof of Service of the 10 Day Notice indicating the landlord posted the 10 Day Notice on the tenant's door on September 3, 2014 in the presence of a witness;
- Receipts for payments made in August 2014 and September 2014 including a receipt showing the tenant paid \$150.00 toward the outstanding rent on September 9, 2014;

- A Monetary Order worksheet indicating \$1,110.00 remains outstanding as of the date of filing and that this amount includes \$130.00 for August 2014 rent and \$980.00 for September rent;
- A listing of all transactions recorded by the landlord for this tenancy; and,
- A statement of account showing a balance of \$1,110.00 as of September 23, 2014; and,

The 10 Day Notice states that the tenant had five days to pay the rent 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 I find the tenant is deemed to have received the 10 Day Notice three days after it was posted on the door, pursuant to section 90 of the Act. As such, the effective date of the 10 Day Notice automatically changes to read September 16, 2014 under section 53 of the Act.

I accept the evidence before me that the tenant failed to pay the rent owed in full or dispute the Notice within 5 days of receiving the Notice as permitted under section 46(4) of the Act. Accordingly, I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy would end on the effective date of the Notice. Therefore, I find that the tenancy ended September 16, 2014 and the landlords are entitled to an Order of Possession effective two (2) days after service upon the tenant.

I find the landlords are entitled to monetary compensation for unpaid rent in the amount of \$1,110.00 for the months of August 2014 and September 2014. The landlords are provided a Monetary Order for this amount to serve upon the tenant. The Monetary Order may be filed in Provincial Court (Small Claims) to enforce as an Order of that court. The security deposit remains in trust to be administered in accordance with the Act.

### Conclusion

The tenancy has ended and the landlords are provided an Order of Possession effective two (2) days after service upon the tenant. The landlords are provided a Monetary Order in the amount of \$1,110.00 to serve upon the tenant.

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 09, 2014

