



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

The landlord's initial application form indicates, with a check mark, that this matter is an application under the *Manufactured Home Park Tenancy Act*. However, this matter proceeds by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "*Act*"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent and a monetary Order.

The landlord submitted a Proof of Service of the Notice to End Tenancy which declares that on October 10, 2014, the landlord provided the tenant the Notice to End Tenancy.

The landlord also submitted a Proof of Service of the Notice of Direct Request Proceeding which declares that on October 29, 2014, the landlord provided the tenant the Notice of Direct Request Proceeding by handing it to him. The landlord provided a proof of service document that is signed by a witness and by the tenant. The landlord did not complete the section to be signed by the person who executed service. Based on the written submissions of the landlord, and in accordance with sections 89 and 90 as well as the spirit of the *Act*, I find that the tenant has been served with the Direct Request Proceeding documents on October 29, 2014.

Issues to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding served to the tenant;
- A copy of a residential tenancy agreement which was signed by the landlord and the tenant on May 27, 2014, indicating a monthly rent of \$850.00 due on the 1st day of the month for a tenancy commencing on June 1, 2014, for a fixed term of six months;
- A Monetary Order Worksheet showing the rent owing during this tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) served personally on the tenant October 10, 2014, with a stated effective vacancy date of October 20, 2014, for \$475.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant was personally served with the 10 Day Notice to End Tenancy, which was witnessed on October 10, 2014.

The Notice states that the tenant had five days from the date of service to pay the rent in full 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 accept that the tenant has been deemed served with notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay the rent owed in full within the 5 days granted under section 46 (4) of the *Act*.

Therefore, I find that the landlord is entitled to an Order of Possession and a monetary Order of \$475.00 for unpaid rent owing from October 2014.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 67 of the *Act*, I find that the landlord is entitled to a monetary Order in the amount of \$475.00 for rent owed for September 2014. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

The landlord is provided with these Orders in the above terms and the tenant must be served with **these Orders** as soon as possible.

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: November 06, 2014

Residential Tenancy Branch

