



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 of the Notice of Direct Request which declares that on December 15, 2014 the Tenant was personally served with the Notice of Direct Request Proceeding in the presence of a witness. The Tenant and the witness both signed the Proof of Service document to verify this method of service. Based on the written submissions of the Landlord, I find that the Tenant has been served with the Notice of Direct Request Proceeding in accordance with 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 Tenant on November 28, 2014 for a tenancy which started on the August 1, 2014. The monthly rent under the agreement is \$675.00 which is required to be paid by the Tenant on the last 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 December 1, 2014 with a vacancy date of December 14, 2014 due to \$1,005.00 in unpaid rent due on November 30, 2014;
- A copy of the Proof of Service of the Notice which shows the Notice was served on December 1, 2014 by attaching it to the Tenant's door with a witness; and

- The Landlord's Application for Direct Request made on December 12, 2014 claiming \$1,005.00 in outstanding rent. The Landlord's Monetary Worksheet shows that the Tenant has failed to pay rent in the amount of \$275.00 in September, 2014, \$55.00 in October, 2014, and \$675 in November, 2014.

Analysis

I have reviewed the documentary evidence and accept that the Landlord served the Tenant with a Notice that complied with the Act, by attaching it to the Tenant's door with a witness on December 1, 2014. The Act states that documents served this way are deemed to have been received three days after being attached to the door. Therefore, I find that the Tenant was deemed to be served the Notice on December 4, 2014.

I accept the evidence before me that the Tenant has failed to dispute the Notice or pay the **outstanding** 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 effective date of the Notice and 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 **2 days after service on the Tenant**. This order may then be enforced in the Supreme Court as an order of that court.

I further grant a Monetary Order in the amount of **\$1,005.00** in favor of the Landlord pursuant to Section 67 of the Act. This order must be served on the Tenant and may then be filed in the Provincial Court (Small Claims) and enforced as an order of that court if the Tenant fails to make payment.

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: December 19, 2014

Residential Tenancy Branch

