



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NUEVO MANOR
and [tenant name suppressed to protect privacy]

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 for **each** Tenant declaring that the Notice of Direct Request was personally served to each Tenant in the presence of a witness. The witness signed both Proof of Service documents to verify this method of service. As a result, I find that the Landlord served both Tenants with Notice of Direct Request Proceeding 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 against the Tenants for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement signed by the Landlord and the Tenants on January 3, 2014 for a tenancy commencing the same day. Monthly rent of \$1,150.00 is payable by the Tenants 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 4, 2014 with a vacancy date of December 15, 2014 due to \$1,150.00 in outstanding rent due on November 31, 2014;
- A copy of the Proof of Service of the Notice declaring the Landlord personally served it to the Tenants on December 4, 2014 in the presence of a witness who signed the document to verify this method of service; and,

- The Landlord's Application for Direct Request made on December 12, 2014 claiming \$1,150.00 in unpaid rent for December, 2014.

Analysis

I have reviewed evidence and I accept that the Tenants were personally served with the Notice, which complied with the Act, on December 4, 2014 by the Landlord.

I accept the evidence before me that the Tenants have failed to dispute the Notice or pay the outstanding rent recorded on the Notice within the five days provided under Section 46(4) of the Act. Therefore, I find that the Tenants are conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on the vacancy date of the Notice. I therefore find that 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 Tenants**. 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 **\$1,150.00** in favor of the Landlord pursuant to Section 67 of the Act. This order must be served on the Tenants 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: December 19, 2014

Residential Tenancy Branch

