



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BOUNDARY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as I had insufficient evidence to conclude that the Notice of Direct Request Proceeding had been served to the Tenant.

This hearing was convened to address the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions.

The Agent for the Landlord stated that on October 23, 2014 the Direct Request Proceeding package was sent to the Tenant, via registered mail. The Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Residential Tenancy Act (Act)*?

Background and Evidence

The Landlord and the Tenant agree that:

- this tenancy began on March 01, 2013
- the Tenant is required to pay monthly rent of \$850.00 by the first day of each month
- on October 15, 2014 the rent was in arrears by \$2,460.00
- a Ten Day Notice to End Tenancy was personally served to the Tenant on October 15, 2014, which declared that the Tenant must vacate the unit by October 25, 2014
- the overdue rent was not paid, in full, by October 20, 2014
- the rent is currently in arrears by \$450.00.

Analysis

On the basis of the undisputed evidence, I find that the Tenant did not pay rent when it was due on October 01, 2015.

If rent is not paid when it is due, section 46(1) of the *Act* entitles landlords to end the tenancy within 10 days if appropriate notice is given to the tenant. On the basis of the undisputed evidence, I find that a Ten Day Notice to End Tenancy was served to the Tenant on October 15, 2014. As rent for October was not paid when it was due nor was it paid within five days of the Tenant receiving the Ten Day Notice to End Tenancy, I find that the Landlord is entitled to an Order of Possession.

On the basis of the undisputed evidence, I find that the Tenant currently owes \$450.00 in rent, which he must pay to the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the fee for filing this Application for Dispute Resolution.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$500.00, which is comprised of \$450.00 in unpaid rent and \$50.00 for filing this Application. Based on these determinations I grant the Landlord a monetary Order for the amount of \$500.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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 09, 2014

Residential Tenancy Branch

