



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 Landlords' 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 Landlords submitted a signed Proof of Service of the Notice of Direct Request which declares that on January 15, 2015 the Tenant was personally served with the Notice of Direct Request Proceeding in the presence of a witness. The witness signed the Proof of Service document to verify this method of service. Based on the written submissions of the Landlords, 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

- Are the Landlords entitled to an Order of Possession for unpaid rent?
- Have the Landlords established a monetary claim for unpaid rent?

Background and Evidence

The Landlords submitted the following evidentiary material:

- A copy of a tenancy agreement signed by one of the Landlords and Tenant on May 1, 2013 for a tenancy commencing on the same day. The monthly rent at the start of the tenancy was established in the amount of \$650.00 payable by the Tenant in advance on or before the first day of each month;
- The Landlord declares that the rent was lowered from \$650.00 to the current amount payable of \$600.00 through mutual agreement between the parties.
- A copy of a two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") issued on January 6, 2015 with an effective vacancy date of January 16, 2015 for \$600.00 in unpaid rent due on January 1, 2015;

- A copy of the Proof of Service of the Notice which shows the Landlords personally served the Notice to the Tenant on January 6, 2015 with a witness who signed the document to verify this method of service;
- The Application for Direct Request made on January 12, 2015 claiming unpaid rent for January 2015 in the amount of \$600.00.

Analysis

I have reviewed the written evidence and I accept that the Tenant was personally served with the Notice, which complied with the Act, on January 6, 2015. I also accept that the current amount of rent payable when the Notice was served to the Tenant was \$600.00.

I accept the evidence before me that the Tenant failed to dispute the Notice or pay the outstanding rent 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 vacancy date of the Notice. As a result, the Landlords are entitled to an Order of Possession and a Monetary Order.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favor of the Landlords effective **2 days after service on the Tenant**. 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 **\$600.00** in favor of the Landlords pursuant to Section 67 of the Act. This order must be served on the Tenant 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: January 16, 2015

Residential Tenancy Branch

