



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BBH PROPERTIES LTD
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 of the Notice of Direct Request which declares that on January 14, 2015 the Tenant was personally served with the Notice of Direct Request Proceeding. The Tenant signed the Proof of Service document to verify receipt of these documents. 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 residential tenancy agreement signed by the Landlord and Tenant on October 28, 2013 for a tenancy which started on November 1, 2013. The monthly rent payable is \$775.00 on the first 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 January 5, 2015 with a vacancy date of January 15, 2015 due to \$675.00 in unpaid rent due on January 2, 2015;
- A copy of the Proof of Service of the Notice which shows the Notice was personally served to the Tenant on January 5, 2015 in the presence of a witness who signed to verify this method of service; and

- The Landlord's Application for Direct Request made on January 13, 2015 claiming \$675.00 in unpaid rent. The Landlord explains that only \$675.00 is being claimed in this application because this was the amount documented on the Notice.

Analysis

I have reviewed the evidence and I accept that the Tenant was personally served with the Notice, which complied with the Act, on January 5, 2015.

I accept the evidence before me that the Tenant failed to dispute the Notice or pay the amount of 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 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 filed and enforced in the Supreme Court as an order of that court.

I further grant a Monetary Order in the amount of **\$675.00** in favor of the Landlord 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 20, 2015

Residential Tenancy Branch

