



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards
A matter regarding TIFFANY GARDENS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary Order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 27, 2014 the Landlord personally served the Tenant with the Notice of Direct Request Proceeding. The Tenant appears to have signed this document to acknowledge receipt of these documents.

Based on the written submissions of the Landlord, I find the Tenant has been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

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

Background and Evidence

I have reviewed the following evidence that was submitted by the Landlord:

- A copy of a residential tenancy agreement, which appears to be signed by the Tenant, which indicates that the tenancy began on April 01, 2013 and that the Tenant agreed to pay rent of \$720.00 by the first day of each month.
- A copy of a Ten Day Notice to End Tenancy for Unpaid Rent, dated December 05, 2014, which appears to be signed by the Landlord. The Notice declares that the Tenant must vacate the rental unit by December 18, 2014, as the Tenant has failed to pay rent in the amount of \$720.00 that was due on December 01, 2014. The Notice declares that the tenancy will end unless the Tenant pays the rent or submits an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice.

- A copy of a signed Proof of Service of the Notice to End Tenancy in which the Landlord declared that the Landlord placed the Notice under the door of the rental unit on December 05, 2014. The Proof of Service appears to be signed by the Tenant to acknowledge receipt of the Notice on December 05, 2014.
- A copy of a Monetary Order Worksheet that indicates no rent has been paid for December of 2014 and that \$600.00 in rent is still outstanding for July of 2014. The Landlord is only seeking a monetary Order for \$720.00.

Analysis

On the basis of the undisputed evidence, I find that the Tenant entered into a tenancy agreement that required the Tenant to pay monthly rent of \$720.00 by the first day of each month and that the Tenant had not paid rent for December of 2014 by the time the Landlord filed this Application for Dispute Resolution. I have no evidence to show that the Tenant paid rent for December since the Application for Dispute Resolution was filed and therefore I find that the Tenant owes rent in the amount of \$720.00.

On the basis of the undisputed evidence, I find that a 10 Day Notice to End Tenancy was received by the Tenant on December 05, 2014. I have no evidence to show that the Tenant filed an Application for Dispute Resolution seeking to set aside this Notice to End Tenancy. Pursuant to section 46(5) of the *Act*, I therefore find that the Tenant has accepted that the tenancy ended on the effective date of the Notice to End Tenancy, which is December 18, 2014.

Conclusion

I grant the Landlord an Order of Possession effective two days after service on 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.

I grant the Landlord a monetary Order for \$720.00. 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 *Act*.

Dated: January 12, 2015

Residential Tenancy Branch