



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 by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

The landlord submitted a two signed Proof of Service of the Notice of Direct Request Proceeding documents, which declare that on January 8, 2015 the landlord personally served the tenants with notice of the direct request proceeding.

Based on the landlord's written submissions, I find that the tenants have been served with the Direct Request Proceeding documents.

The landlord named two respondents in this matter, SP and CG. However, the tenancy agreement submitted by the landlord is only signed by SP. I therefore do not have sufficient evidence to establish that CG is in fact a tenant and I have removed CG as a respondent in this matter.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- a copy of a residential tenancy agreement, signed by one tenant and the landlord on May 12, 2011, indicating a monthly rent of \$800 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on January 2, 2015, with an effective vacancy date of January 12, 2015, for failure to pay rent in the amount of \$710 that was due on January 1, 2015;

- a copy of the Proof of Service of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, showing that the tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent on January 2, 2105; and
- a copy of the Landlord's Application for Dispute Resolution, filed January 8, 2015, in which the landlord indicated that the tenants failed to pay \$310 for November 2014 rent as well as \$400 for January 2015 rent.

Analysis

I have reviewed all documentary evidence and I accept that the tenant has been served with the notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice.

I therefore find that the landlord is entitled to an order of possession and a monetary order for unpaid rent in the amount of \$710.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The tenant must be served with the order of possession. Should the tenant and all other occupants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I grant the landlord an order under section 67 for the balance due of \$710. This order may be filed in the 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: January 14, 2015

Residential Tenancy Branch

