



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the “*Act*”), and dealt with an Application for Dispute Resolution by the landlords for an Order of Possession based on unpaid rent and a Monetary Order.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 17, 2015, the landlords personally served Tenant H.T. the Notice of Direct Request Proceeding. The landlords had Tenant H.T. sign the Proof of Service of the Notice of Direct Request Proceeding to confirm personal service.

Based on the written submission of the landlords and in accordance with sections 89 and 90 of the *Act*, I find that Tenant H.T. has been served with the Direct Request Proceeding documents on June 17, 2015.

### Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Are the landlords entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

### Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding served to Tenant H.T.;
- A letter indicating that the Proof of Service of the Notice of Direct Request Proceeding for tenant H.N. would be faxed later that morning. The second Proof of Service was not received.
- A copy of a residential tenancy agreement which was signed by both tenants on April 23, 2015, indicating a monthly rent of \$900.00, due on the first day of the month for a tenancy commencing on May 01, 2015;
- A Monetary Order Worksheet showing the rent owing and paid during the relevant portion of this tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated June 7, 2015 and personally served to the tenants on June 7, 2015, with a stated effective vacancy date of June 7, 2015, for \$900.00 in unpaid rent and \$75.00 in unpaid utilities.

Witnessed documentary evidence filed by the landlords indicates that the 10 Day Notice was personally served to the tenants at 10:00 am on June 07, 2015. The 10 Day Notice states that the tenant had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

### Analysis

I have reviewed all documentary evidence and in accordance with sections 88 and 90 of the *Act*, I find that the tenants were served with the 10 Day Notice on June 7, 2015.

In this type of matter, the landlords must prove they served the tenants with the Notice of Direct Request proceeding with all the required inclusions as indicated on the Notice as per Section 89 of the *Act*

Based on the written submission of the landlords and in accordance with section 89 (1) of the *Act*, I find that Tenant H.T. has been duly served with the Notice of Direct Request Proceeding documents on June 17, 2015.

In the absence of a second Proof of Service of the Notice of Direct Request Proceeding, I am unable to find that tenant H.N. has been served with the Notice of Direct Request Proceeding documents.

I dismiss the monetary portion of the landlords' application naming Tenant H.N. with leave to reapply.

Therefore, I find that the landlords are entitled to an Order of Possession and a Monetary Order against Tenant H.T. in the amount of \$900.00, the amount claimed by the landlords, for unpaid rent owing for June 2015 as of June 15, 2015.

### Conclusion

I grant an Order of Possession to the landlords effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 67 of the *Act*, I find that the landlords are entitled to a monetary Order in the amount of \$900.00 for rent owed for June 2015. The landlords are provided with this Order in the above terms and Tenant H.T. must be served with **this Order** as soon as possible. Should Tenant H.T. fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

I dismiss the landlord's application for a monetary Order naming Tenant H.N. as a Respondent with leave to reapply.

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: July 03, 2015

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Residential Tenancy Branch

