



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DVR CONSULTING SERVICES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR

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 landlord submitted two signed Proofs of Service of the Notices of Direct Request Proceeding. The Proofs of Service declares that on February 28, 2018, the landlord served each of the tenants with a Notice of Direct Request Proceeding by registered mail. The landlord has provided two Canada Post receipts which include two separate tracking numbers. Based on the written submission of the landlords and in accordance with section 89 and 90, I find that both tenants have been deemed served with the Direct Request Proceeding documents on March 5, 2018, the 5th day after the documents were mailed.

Issue(s) to be Decided

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

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Background and Evidence

The landlord submitted the following evidentiary material:

- Proofs of Service of the Notices of Direct Request Proceeding served to both tenants;

- A copy of a residential tenancy agreement signed by the landlord and tenants on January 6, 2018, indicating a monthly rent in the amount of \$3,350.00, due on the sixth day of the month for a tenancy commencing on January 6, 2018;
- A Direct Request Worksheet showing the rent owing for this tenancy;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated February 7, 2018 with a stated effective vacancy date of February 20, 2018, for \$3,350.00 in unpaid rent; and
- A Proof of Service of the 10 Day Notice dated February 16, 2018 indicating that the 10 Day Notice was attached to the door or other conspicuous place at the tenant's residence at on February 7, 2018 in the presence of a third party witness.

Analysis

I have reviewed all documentary evidence and in accordance with sections 88 and 90 of the *Act*, I find that the tenant was deemed served with the 10 Day Notice on February 10, 2018, three days after being posted on the rental unit door. In the Proof of Service of the 10 Day Notice form the landlord indicated that service was completed by attaching a copy on the door or other conspicuous place and I find that service was completed in accordance with the requirements of the *Act*.

I find that the tenants were obligated to pay the monthly rent in the amount of \$3,350.00 as per the tenancy agreement. I accept the evidence before me that the tenants have failed to pay rental arrears in the amount of \$3,350.00, the rent for the month of February, 2018.

I accept the evidence before me that the tenants have failed to pay the rent owed in full within the 5 days granted under section 46 (4) of the *Act* and did not dispute the 10 Day Notice within that 5 day period.

Based on the foregoing, I find that the tenants are conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the 10 Day Notice, February 20, 2018. Therefore, I find that the landlord is entitled to an Order of Possession and Monetary Order of \$3,350.00 for unpaid rent owing for February, 2018.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenants. Should the tenants 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 landlord is entitled to a monetary Order in the amount of \$3,350.00 for unpaid rent. The landlord is provided with this Order in the above terms and the tenants must be served with **this Order** as soon as possible. Should the tenants 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.

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: March 9, 2018

Residential Tenancy Branch