



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, M-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 landlord for an Order of Possession based on unpaid rent and a monetary award for unpaid rent.

The landlord submitted a copy of a signed Proof of Service Notice of Direct Request Proceeding which declares that on March 22, 2018, the landlord served the Notice of Direct Request Proceeding to the tenant by registered mail. The landlord provided a copy of the Canada Post Customer Receipt containing the Tracking Number to confirm this mailing. In accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the Direct Request Proceeding documents on March 27, 2018, the fifth day after being sent by registered mail.

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:

- A copy of a residential tenancy agreement which was signed by the landlord and the tenant on December 16, 2016, indicating a monthly rent of \$825.00, due on the first day of the month, for a tenancy commencing December 17, 2016;

- A copy of a Notice of Rent Increase form signed on October 26, 2017, indicating a monthly increase of \$33.00, increasing the rent from \$825.00 to \$858.00, commencing on February 1, 2018;
- A copy of a Direct Request Worksheet showing rent owed for March 2018 in the amount of \$858.00;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) signed March 7, 2018, with a stated effective vacancy date of March 17, 2018, for \$858.00 in unpaid rent; and
- A copy of a Proof of Service for the 10 Day Notice, indicating service on March 7, 2018 by attaching a copy to the tenant's door and signed by a witness on March 20, 2018.

Analysis

I have reviewed all documentary evidence and in accordance with section 88 of the *Act*, I find that the tenant was served with the 10 Day Notice by posting the notice on the door on March 7, 2018. I find that service was deemed three days later, on March 10, 2018, as per section 90 of the *Act*. The effective tenancy end date has been corrected to March 20, 2018, ten days after service has been deemed, in accordance with section 53 of the *Act*.

I find that the tenant was obligated to pay the rent owing for March 2018 in the amount of \$858.00. I accept the evidence before me that the tenant has failed to pay the rent owed in full within the five days granted under section 46 (4) of the *Act* and did not dispute the 10 Day Notice within that five day period.

Based on the foregoing, I find that the tenant is conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the corrected effective date of the 10 Day Notice, March 20, 2018.

Therefore, I find that the landlord is entitled to an Order of Possession and a Monetary Order for unpaid rent owing for March 2018 as of March 21, 2018.

Conclusion

I grant an Order of Possession to the landlord 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 grant the landlord a Monetary Order in the amount of \$858.00 for rent owed for March 2018. The landlord is provided with this Order in the above terms and the tenant must be served with **this Order** as soon as possible. Should the tenant 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 28, 2018

Residential Tenancy Branch