



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RED DOOR HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FFL

Introduction

This non-participatory matter was conducted by way of a direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), via the documentary submissions only of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 27, 2019, the landlord served the tenant with the Notice of Direct Request Proceeding, including the landlord’s application, by registered mail. The landlord provided a copy of the Canada Post Customer Receipt containing the Tracking Number to confirm this mailing.

Based on the written submissions of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents as required by section 89(1) of the Act.

Issue(s) to be Decided

Is the landlord entitled to an order of possession of the rental unit?

Is the landlord entitled to a monetary order for unpaid rent and for recovery of the filing fee?

Background and Evidence

The landlord submitted the following additional evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord on July 13, 2016, and by the tenant on July 20, 2016, indicating a monthly rent of \$1,179.00 due on the first day of each month, beginning on August 1, 2016;
- Copies of separate Notices of Rent Increase, showing the monthly rent was increased two times since the tenancy began, with the present monthly rent being in the amount of \$1,271.00;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent, dated September 9, 2019, with a stated effective move out date of September 23, 2019, listing \$1,271.00 in unpaid rent due as of September 1, 2019; and
- A signed and witnessed Proof of Service showing that the tenant was served the Notice by personal delivery on September 9, 2019.

The Notice stated that the tenant had five days to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

Analysis

After reviewing the relevant evidence, I provide the following findings, based upon a balance of probabilities:

I have reviewed the landlord's documentary evidence and accept that the tenant has been served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities as submitted by the landlord.

I accept the landlord's documentary evidence that the tenant failed to pay the rent owed in full or at all within the 5 days granted under section 46(4) of the *Act*.

I have no evidence before me that the tenant filed an application for dispute resolution to dispute the Notice.

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 effective date of the Notice. Therefore, I find that the landlord is entitled to an order of possession of the rental unit due to unpaid rent and a monetary award for unpaid rent in the amount of \$1,271.00, as claimed in their application.

Due to their successful application, I find the landlord is entitled to recover their filing fee in the amount \$100.00.

Pursuant to section 55(4)(b) of the *Act*, I grant the landlord an order of possession for the rental unit effective two (2) days after service on the tenant, which is enclosed with

the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should the tenant fail to comply with the terms of the order of possession. The tenant is advised that costs of such enforcement, such as bailiff fees, may be recovered from the tenant.

I grant the landlord a monetary order in the amount of \$1,371.00, pursuant to sections 67 and 72 of the Act, comprised of rent owed and the filing fee of \$100.00. This order is a legally binding, final order, and should the tenant fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenant is advised that costs of such enforcement may be recovered from the tenant.

Conclusion

The landlord's application under the Direct Request process is granted.

The landlord has been issued an order of possession of the rental unit and a monetary order for unpaid rent and the filing fee.

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: October 9, 2019

Residential Tenancy Branch