

Residential **Tenancy Branch**

Application for **Review Consideration**

FORM DIRECTIONS: If you are accessing this form from the B.C. Government Web site, it can be filled out at a computer workstation. It can also be printed and completed by hand. If completing sections by hand, please print clearly, using dark ink. If you are completing this form at a computer, simply type in your response in the boxes. If you cannot complete all the sections at the computer right away, you can print off at a computer, simply type in your response in the boxes. If you cannot complete all the sections at the computer right away, you can print off what you have completed, and fill in the remaining fields by hand. It's important to note that you cannot save the completed form to your computer,

what you have completed, and f therefore, after you complete the leave the document or shut dow	ill in the remaining fields by hand. e form, make sure you review the f in the program/computer.	form for accuracy and pr	int the number of copies	you require <i>before</i> you
The personal information recorded on this form is collected under the authority of s. 59 Residential Tenancy Act and s. 52 Manufactured Home Park Tenancy Act for the purpose of administering the Acts. The information may be disclosed to the public in accordance with the Freedom of Information and Protection of Privacy Act. Question about the collection of this information may be directed to an Information Officer: 1-800-665-8779 (toll free) 604-660-1020 250-387-1602			PRESIDENTIAL TENANCY BRANCH BURNABY, B.C. JUL 2 8 2014 RECEIVED 31	
				RTB use only - date stamp & initial
	ER TO BE REVIEW			
	y Branch File No. (see deci-		Review o	f: Decision Order
home phone	, pus	attess huotte		************************************
DEADLINE for TH	IS APPLICATION			
 You must submit you within 2 days of to ftenancy, an order regarding assignment within 5 days of the end tenancy for an arrangement. 		ord's notice to end a sion or order, where the internance; or service is in or order, where	tenancy for non-payn the decision or order es or facilities.	nent of rent. relates to a notice to
		ate Received	How You Received	
Decision	JULY 22,2014	JULY 24, 2014	in person)
Order	Just 22, 2016	JULY 28, 2014	- in person	}

If you are filler all the second	TE TO APPLY FC . REVIEW
Time extensions may be granted only in exceptional ci	llowed by the RTA or the MHPTA you must complete this section ircumstances, such as a natural disaster or a medical emergency.
I am requesting an extension of time to make this a	application:
State why you were not able to apply for review within a copy of your hospital admissions form.	the required time frame and LIST and ATTACH evidence, such as
•	
B. GROUNDS for REVIEW	
There are three reasons (grounds) in the RTA and MHF	TA that allow a decision or order to be reviewed.
Was not able to attend the hearing due to circumst	ances that could not be anticipated and were beyond my y)
have new and relevant evidence that was not avail	able at the time of the hearing
M I have evidence that the decision was obtained by from	audGO TO C3
A review is not an opportunity to re-argue the case.	These are the only reasons that a decision may be reviewed.
C1. UNABLE TO ATTEND What happened that was beyond your control or that co the original hearing?	uld not have been anticipated that prevented you from attending
What testimony or additional evidence would you have p	rovided if you were at the hearing?
What testimony or additional evidence would you have p	rovided if you were at the hearing?
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What testimony or additional evidence would you have p	provided if you were at the hearing?
	provided if you were at the hearing?
What testimony or additional evidence would you have p If you have no other grounds, go to D. If you have further grounds for review, continue on page 3	

1	DW it is relevant.
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1.5	very have no other grounds, go to D
lf lf	you have no other grounds, go to D. you have further grounds for review, go to C3.
	3. FRAUD
	aree elements are required to show a decision or order was obtained by fraud:
2.9	1. False information was submitted
1	 The person submitting the evidence knew that it was false, and The false information was used to get the desired outcome.
	hich information submitted for the initial hearing was false and what information would have been true?
2	2
10	ow did the person who submitted the information know it was false?
2	2
-10	ow do you think the false information was used to get the desired outcome?
	22

D. Signature(s) (required to comence review I/We, the Applicant(s)/Agent for the Applicant(s), apply to decision and/or order of the Residential Tenancy Branch is true and cos.22	to the Director of	the Resi ad this ap	(dential Tena plication in	ancy Branch fo full. The inforn	r a review of this nation provided
Signature(s):	Date:	193	July	2014	
		day	month	year '	
	Date:	day	month	year	
E. SUPPORTING DOCUMENTS and II ATTACHMENTS: You must attach all written evidence to support y being reviewed.			a copy of th	ne decision(s) a	and/or order(s)
Please do not resubmit evidence from the origin	al hearing.				
Please check off what is attached to this form: copy of decision or order you wish to have reveloped evidence proving the extraordinary conditions as described in Section A of this form evidence showing why you were not able to a new and relevant evidence that was not availated evidence showing how fraud was used to get additional pages (state what the additional pages)	that prevented y ttend the original able at the time o the original decis	hearing, f the orig	as describe	ed in C1 of this , as described	form in C2 of this for
				• .	,
WHERE TO SUBMIT:					
Submit completed Application for Review Conside	ration, with attac	hments a	nd fee, to o	ne of the follow	ing offices:
Residential Tenancy Branch BURNABY: 400 - 5021 Kingsway V5H 4A5 VICTORIA: 101 - 3350 Douglas Street V8Z 31					·
If there is no Residential Tenancy Branch office in y Service BC-Government Agent Office (To locate	your area, you ca an office near yo	n file you ou, call E	<i>ir application</i> nquiry BC 1	n at any 800 663-7867)

Page 05

Withheld pursuant to/removed as

s.22



Dispute Resolution Services

Residential Tenancy Branch Office of Housing and Construction Standards

File No: 823588

In the matter of the Residential Tenancy Act, SBC 2002, c. 78, as amended

Between

. Landlord(s),

Applicant(s)

And

s.22

Tenant(s),

Respondent(s)

Regarding a rental unit at:

Date of Decision: July 22, 2014

EX PARTE PROCEEDING

(DIRECT REQUEST PROCEEDING)

Pursuant to section 55(4) of the Residential Tenancy Act, the decision in this matter was made without a participatory hearing. The decision was based on an undisputed 10 day Notice to End Tenancy and the written submissions of the Landlord.



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 Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), and deals with an Application for Dispute Resolution by the Landlord for:

- 1. An Order of Possession Section 55; and
- 2. A Monetary Order for unpaid rent Section 67.

Given the Landlord's signed proof of service, I find that the Landlord served the Tenant with the Notice of Direct Request Proceeding in person on July 9, 2014 in accordance with the Act.

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

In the Application made July 8, 2014 the Landlord claims \$1,389.35 and provides the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding;
- A copy of a residential tenancy agreement signed by the Parties indicating a tenancy start date of March 28, 2014 and a monthly rent of \$750.00 due on the first day of the month;

- A copy of a 10 day notice to end tenancy for unpaid rent (the "Notice") issued on July 2, 2014 with a stated effective vacancy date of July 13, 2014 for \$1,180.00 in unpaid rent;
- A statement that the Tenant paid \$320.00 towards the rent on June 12, 2014;
 and
- A proof of service of the Notice showing that the Landlord served the Notice to the Tenant personally on July 2, 2014.

The Tenant did not make an application to dispute the Notice.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired. Section 46 of the Act provides that a tenant may, within 5 days after receiving a notice to end tenancy for unpaid rent, pay the overdue rent, in which case the notice has no effect, or dispute the notice by making an application for dispute resolution. If a tenant does not pay the rent or make an application to dispute the notice, the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the unit by the effective date of the notice. Based on the submissions of the Landlord, I find that the Notice was received by the Tenant who Tenant has has not paid the outstanding rent and has not made an application to dispute the Notice. I find therefore that the Landlord is entitled to an Order of Possession. Although the Landlord claims \$1,389.00, the Landlord's evidence indicates that unpaid rent amounts only to \$1,180.00. I therefore provide a monetary order to the Landlord for this amount.

Page: 3

Conclusion

I grant an Order of Possession to the Landlord effective two days after service on the Tenant. Should the Tenant 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.

I grant the Landlord an order under Section 67 of the Act for the amount of \$1,180.00. If necessary, 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: July 22, 2014

R. Weitzel, Arbitfator

Residential Tenancy Branch



Dispute Resolution Services

Residential Tenancy Branch Office of Housing and Construction Standards

File No. 823588

Date: July 22, 2014

In the matter of the Residential Tenancy Act, SBC 2002, c. 78, as amended

Between

s.22

Landlord(s),

Applicant(s)

And

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55, 67 of the Residential Tenancy Act regarding a rental unit at:

s.22

ORDER

I AUTHORIZE AND COMMAND YOU, s.22

Tenant(s) to deliver full

and peaceable vacant possession and occupation of the above noted rental unit to
s.22

Landlord(s) not later than two (2) days after service of this order upon you.

Dated: July 22, 2014

R. Weitzel, Arbitrator

Residential Tenancy Branch

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Residential Tenancy Branch Office of Housing and Construction Standards PO Box 9844 Stn Prov Gov Victoria BC V8W 9T2

Date:	July 08, 2014	File Number:	823588	

Notice of Direct Request

The RTB has received an application for an Order of Possession/ Monetary Order from your landlord regarding the rental unit at:

rom your landiord regarding the rental dint at.			
s.22			
LANDLORD: s.22		TENANT: s.22	

This application states that:

- 1. You have failed to pay the monthly rent as agreed.
- 2. You were served a 10 Day Notice to End Tenancy for Unpaid Rent by the landlord.
- 3. Within five days of receiving the notice, you did not pay the rent or apply for dispute resolution.

The RTB will review the material submitted by the landlord and make a decision about granting an Order of Possession/ Monetary Order. If an Order of Possession is granted, the landlord will have the right of possession for the rental unit. The decision is legally binding. A fact sheet detailing the process is attached.

The landlord is required to give the Residential Tenancy Branch proof that this notice and copies of all attachments were served to the tenant.

Residential Tenancy Branch

Attachments submitted by the landlord:

- 1. Application for Dispute Resolution
- 2. Tenancy Agreement
- 3. Copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities
- 4. Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities



Residential Tenancy Branch Office of Housing and Construction Standards PO Box 9298 Stn Prov Gov Victoria BC V8W 9J8

Date:	File Number:	823588		, in the second
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Proof of Service of the Notice of Direct Request

NOTE: This must be filled out and faxed to 1-866 341 7536 to continue with the Direct Request Proceeding

	served		with the Notice of Direct Reques
(Na	ame of Landlord/ Agent)	(Name of Tenant)	
Procee	eding requesting an Order of Pos	ssession/ Monetary Order in	the following manner on:
		-	
-	(Date)	at (Time)	<u> </u>
	(Date)	(Time)	
Service	e		
	With the tenant at:	78.13	1 0 2
	Posted at :	(Address o	r Location)
	Posted at :	if requesting a Monetary	Order (Address or Location)
	Service Timelines in effect. See Section 89 of the Residential Tenancy Act and Section 82 of the Manufactured Home Park Tenancy Act for details.	Mail Reco	mpleted Canada Post Registered eipt, including tracking number, re or on a separate page
u Iv	nis matter was resolved and I vould like a copy of the Decis understand that I will receive t	ion and/or Order faxed to	

Landlord / Agent Signature

This application is being made under the Manufactured Home Park Tenancy Act This application is being made under the Residential Tenancy Act	0000
Landlord(s) (Applicant(s): The person asking for dispute resolution) If additional space is required to list all parties, use and attach "Schedule of Parties", form s.22	n #RTB-26
Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this applicant, the Mailing Address is different from the Applicant Address, and it is attached.	lication and it is attached.
Dispute Address (address of the rental unit or manufactured home site)	
Tenant(s) (Respondent(s): The other party to the dispute): If additional space is required to list all parties; use and attach "Schedule of Parties", form s.22	#RTB-26.
Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this ap	plication and it is attached.
TO FILE THIS APPLICATION: 1. On this page, fill in the information boxes. 2. On page 2, check the boxes that apply to your request, provide details and sign at the bottom. 3. Submit your application in-person at: RTB Burnaby: 400 – 5021 Kingsway RTB Victoria: Suite 101 - 3350 Douglas Street Any Service BC-Government Agents Office Applications may also be submitted online at www.rto.gov.bc.ca . Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.	IESIDENTIAL TENANCY BRANCH BURNABY, B.C. JUL 0 8 2014 RECEIVED 4
Residential Tenancy Branch Office of Housing and Construction Standards Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779	A STATE OF THE PARTY OF THE PAR

#RTB-12-L (2011/03)

Website: www.rto.gov.bc.ca

COLUMBIA
The Best Place on Earth

For RTB use only: File # 82358

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:	
Notice to End Tenancy	
When the dispute involves a Notice to End Tenancy, the Notice to End Tenant before applying for Dispute Resolution and the Notice to End Tenancy must Tenancy Branch.	be subtilitied to the Residential
Date the Notice to End Tenancy referred to in this Application was served:	1 oday Notice to End Tes 1 for unpaid Rent or Ut
Person for ending tenancy: July a 7014 - Person	L
Employment with landlord has ended	OPE
The tenant has not paid rent or utilities	WALLEST OF THE STREET
The landlord wants the unit or property for another use	UPL
The landlord has cause, as described in the Act, regulation (state sect	on in the 'Details of the
Dispute' box below), or tenancy agreement (provide a copy)	OPC
The tenant does not qualify for subsidized housing	OPQ
The tenant has breached an agreement with the landlord (provide a co	opy of agreement) OPB
Monetary Order:	
For damage to the unit, site or property	MND
Y For unpaid rent or utilities	MNK
To keep all or part of pet damage deposit or security deposit	MNSD
For money owed or compensation for damage or loss under the Act, regu	lation or tenancy agreement MNDC
The request for a Monetary Order is for the following amount Provide a detailed calculation of the amount in the 'Details of the Disp	nt: +12 0011 85
Other Recover filing fee from the tenant for the cost of this application	FF.
Serve documents or evidence in a different way than required by the	Art SS
End Tenancy Early and obtain an Order of Possession	ET
Other (provide details in the 'Details of the Dispute' box below)	0
Details of the Dispute	
In two or three sentences, describe the issue. Include any dates, times, people o what, where and when the issue arose or the event occurred. When you are askin detailed calculation. Attach a separate sheet if necessary. Any additional sheets	ig for a Monecary Order, include a

s.22

Charlet Service	For RTB use only: File # 823 588
	the Manufactured Home Park Tenancy Act
This application is being made under	the Residential Tenancy Act
Landlord(s) (Applicant(s)). The pe If additional space is required to list all pa 22	rson-asking-for-dispute resolution). ** arties, use and attach "Schedule of Parties", form #RTB-26;
Yes, the Mailing Address is different	s being used to add more Applicants to this application and it is attached. from the Applicant Address, and it is attached.
Dispute Address (address of the	rental unit or manufactured home site)
Tenant(s) (Respondent(s). The other If additional space is required to list all had 2	er party to the dispute). Hies: lise and attach "Schedule of Parties": form #DTREAS
Yes, a Schedule of Parties (#RTB-26) is Yes, the Mailing Address is different fr	being used to add more Respondents to this application and it is attached. om the Respondent Address, and it is attached.
O FILE THIS APPLICATION: On this page, fill in the Information boxes. On page 2, check the boxes that apply to your. Submit your application in-person at: RTB Burnaby: 400 – 5021 Kingsway RTB Victoria: Suite 101 - 3350 Douglas Stre Applications may also be submitted online at www. Do not give a copy of your Application to the Respit and you have paid the application fee or obtaine	et • Any Service BC-Government Agents Office w.rto.gov.bc.ca. ondent(s) until the Residential Tenancy Branch accepts ### ### ############################
Residential Tenancy Branch Office of Housi	
ower Mainland: 604-660-1020 Victoria: 250-387- Vebsite: www.rto.gov.bc.ca	1602 Elsewhere in BC: 1-800-665-8779

#RTB-12-L (2011/03)

For RTB use only: File # 823588 Page

Nature of the Dispute

i - 1 - 0

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy	
When the dispute involves a <i>Notice to End Tenancy</i> , the <i>Notice to End T</i> before applying for Dispute Resolution and the <i>Notice to End Tenancy</i> n Tenancy Branch.	nust be submitted to the Residential
Date the Notice to End Tenancy referred to in this Application was serve	id: 10 day Notice to End Te
How was it served? Tune 4 2014 ph she door	ifor unpaid Rent or Uf
How was it served? June 4, 2014 on she door. Reason for ending tenancy: July 2, 2014 in set 50%.	
Employment with landlord has ended	OPE
X The tenant has not paid rent or utilities	OPR
The landlord wants the unit or property for another use	OPL
The landlord has cause, as described in the Act, regulation (state s	section in the 'Details of the
Dispute' box below), or tenancy agreement (provide a copy)	OPC
The tenant does not qualify for subsidized housing	OPO
The tenant has breached an agreement with the landlord (provide	a copy of agreement) OPB
The tendire has breather an agreement that the	and the first make and the state of the second seco
Monetary Order:	201.62
For damage to the unit, site or property	MND
For unpaid rent or utilities	MNR
To keep all or part of pet damage deposit or security deposit	MNSD
For money owed or compensation for damage or loss under the Act,	
The request for a Monetary Order is for the following am	ount: \$ 13 part 15
Provide a detailed calculation of the amount in the 'Details of the D	Dispute box below.
Othor	1207.31
Recover filing fee from the tenant for the cost of this application	FF
Serve documents or evidence in a different way than required by t	he Act SS
End Tenancy Early and obtain an Order of Possession	ET
Other (provide details in the 'Details of the Dispute' box below)	0
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Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

The personal information recorded on this form is collected under the authority of s. 59 Residential Tenancy Act and s. 52 Manufactured Home
Park Tenancy Act for the purpose of administering the Acts. The information may be disclosed to the public in accordance with the
Preedom of Information and Protection of Privacy Act. Questions about the collection of this information may be directed to an information Officer:

Lower Mainland 604-660-1020 Victoria 250-387-1602 Elsewhere in B.C. 1-800-665-8779

Page 19 to/à Page 22

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s.22

10 Day Notice to End Tenancy for Unpaid Rent or Utilities

CHARLEST CONTROL OF THE CONTROL OF T	
You have failed to pay rent	I I You have falled to pay utilities
n the amount of \$ (/ 80,00)	in the amount of \$ 30% 3/ Fromowing
hat was due on	Of Y written demand on 153 07 507 95
	Year Day Month Year
You have five (5) days or file an Application for Dispute	ED if you Do Not Respond to this Notice. to pay the rent or utilities to the landlord Resolution with the Residential Tenancy Branch. Site, Manufactured Home Park Tenancy Act, section 39 of Tenancy Act, section 46
additional space is required to list all parties. I	usé and attach "Schédule of Parties". form #1418-26. BURNARY B.C.
ROM the LANDLORD (full names are nadditional snace is required to list all narries.)	equired) use and attach "Schedule of Parties" form #RTR-26
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OTICE: I am hereby giving you to anufactured home site located at: y: 13 57 57 50 50 50 50 50 50	(date when renant move our or variet the site) By registered mail
OTICE: I am hereby giving you be anufactured home site located at: y: 13 57 5 7 50 000 000 000 000 000 000 000 0	(I) days notice to move out of the rental unit or ✓/ ✓/ Year (date when tenant must move out or vacate the site)

If within 5 days you do not pay the rent or utilities or make an application for dispute resolution, the landlord can apply for an order of possession through the direct request process.

The direct request process is completed without either party attending a hearing. Instead:

- The landlord makes an application for an order of possession and submits:
 - · A copy of the tenancy agreement
 - · A copy of this notice
 - . Proof that this notice was served
 - An application for Dispute Resolution.
- The landlord will receive a proceeding package which must be served on the tenant within three days.
- The landlord sends the proof of service of the package to the Residential Tenancy Branch.
- A Dispute Resolution Officer will review all documentation and will make a decision.
- The decision is final and binding on buth parties.
- Fraud is the only reason that will be considered for a review of the decision.

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities Can be Served:

- · Any day after the rent was due, for unpaid rent.
- 30 days after the tenant was given a written demand to pay the arrears, for unpaid utilities.

The Notice is Deemed Received by the Tenant:

- . The day the landlord gives the notice to the tenant in person, or to an adult (19 years or older) who appears to live with the tenant, or
- . Three (3) days after the landlord either, leaves the notice in the mailbox or in mail slot; posts it on the door or a indiceable place at the address where the tenant lives; or faxes it to a number provided by the tenant, or
- . Five (5) days after the landlord sends the notice by registered mail to the address where the tenant lives.

Disputing the Notice:

- The tenant can make an application for dispute resolution within 5 (five) days of receiving the 10 day notice.
- If the levent disputes the notice a hearing will be held. Both parties will have an apportunity to participate.
- . At the hearing, the landlord can ask for and receive an order of possession if the 10 day notice is upheld by the dispute resolution officer.

Tenants may dispute the notice for specific reasons such as:

- They have proof the rent was paid.
- They have an order from a dispute resolution officer giving them permission to keep all or part of the rent.
- They held part or all of the rant with prior notice to the landlord, for the cost of emergency repairs.

Important Facts:

- . The tenant is not entitled to withhold rent unless ordered by a dispute resolution officer.
- . The tenant who accepts the notice must move out by the date set out on page 1 of this notice or sponer.
- An error in this notice or an incorrect move-out date does not make it invalid.

For More Information:

- " Visit RTB well site at www.xtp.gpy.bc.co
- Contact a RTB office.
- Refer to A Cuide for Landlords and Tenants in British Columbia available on the RTB web site and offices.

This is page 2 of a 2-page Notice. The landlord must sign page one of this notice and must give the tenant pages 1 & 2.

Residential Tenancy Branch Office of Housing and Construction Standards Public information Lines: 604-660-1020 250/387-1602 1-800-665-8779 (Toll free)

Burnaby: 400 - 5021 Kingsway Victoria: Suite 101 - 3350 Douglas Street Eleawhere in BC: Any Service BC Centre #17TB-30 (2012/0B)



10 Day Notice to End Tenancy for Unpaid Rent or Utilities PROOF OF SERVICE

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s.22		
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A John with the state of the st		China to the second
Address when	o service occurred	
By Registered Mail # (Receipt and tracking report	on	(D :: 185 SIDENTIAL TENANCY BRAN BURNABY, B.C.
By posting it on the Tenant's door on	Witnessed by:	JUL 0 8 2014
&	Signature	RECEIVED
Doto Time (a.m., or p.m.)	Print Name	* Imperiorgenia international manufacture promotional manufacture and construction and cons
** · · · · · · · · · · · · · · · · · ·		
	Relationship	to Landlord
	Tenant's acknowledgement	*
By leaving it personally with	Signature of	Tonant
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Namé of tonant	Print Name	* 978 D.C.
July 2 2014 8 - 3 Am 12 2 2014 8 Time (a.m. or p.m.)	OR Witnessed by: \$.22	
ptional Details: 10 Day Notice to End	***************************************	and the second second
Tenancy Or Unpaid Rent at		
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	and the state of t	
unit.	Relationshi	o to Landlord

Print Name



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.

On July 30, 2014, the Residential Tenancy Branch received an Application for Review from s.22 Tenant(s),.

Subject:

File Number: 823588, Decision dated: July 30, 2014

Rental Unit: s.22

Other Party: s.22 Landlord(s),

Decision: Leave for Review Denied
Original Decision and Order dated July 22, 2014 confirmed

Introduction

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the decision. The application must contain reasons to support one or more of the grounds for review:

- 1. A party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control.
- 2. A party has new and relevant evidence that was not available at the time of the original hearing.
- 3. A party has evidence that the director's decision or order was obtained by fraud.

REVIEW DECISION

The applicant has applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant stated "she lied about everything". The applicant has not

2

provided any disputing evidence as to whether the rent was paid or not. The applicant

has made statements that do not relate to the landlords application. The applicant

submitted no evidence to support their application and I give this allegation of fraud no

weight.

The decision and order made on July 22, 2014 stands.

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 30, 2014

J.Ceraldi, Arbitrator Residential Tenancy Branch



Proof of Service Notice of Direct Request Proceeding

File#	838223					-	REGIDENTIAL TE	NEWCY ERA	WCH I
DOCU	MENTS SE	RVED: (che	ck all that a	npoly)			BALFIVA)		
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Residential Tenancy Branch
Office of Housing and Construction Standards
#RTB-44 (2014/06)

page 1 of 1

10 Day Notice to End Tenancy for Unpaid Rent or Utilkies

and the second s	the authority of the
BECAUSE	
You have falled to pay rent	You have falled to pay utilities
in the amount of \$ 2550,00	In the amount of \$ 664 61 following
that was due one 100 0 06 Jun 2015	written demand on a grant party and a grant and a gran
Day Month Year	Day Month Year
The second state of the se	or the se Application Living to remain
Tenant: You may be EV (crep if	you bo NotiRespond to this Notice.
You have five (5) days to pay	v the rent or utilities to the landlord
	lution with the Residential Tenancy Branch.
This notice applies to a manufactured home site/:Mar This notice applies to a rental unit, Residential Tenan	mulactured Home Park Tenancy Act; section 352353 32515553
	They made about the
TO the TENANT(S) (full names are required)	FF 1511 161.
If additional space is required to list all parties, use and	i attach "Schedule of Parties", form #RTB-26.
s.22	
Last name	First and middle names
Tenant Address (address for service of documents or no	
22	
Daytime phone number Other phone	e number Fax number for document service
The first of the f	or narna of Rif begat business forms
FROM the LANDLORD (full names are required	The state of the s
If additional space is required to list all parties, use and	Tattacal Schedule of Parties Tham \$818-26
	Supple help and the supple sup
Last name or full legal business name	First and middle rames
The state of the s	r notices - where meteral will be given personally, left for, fixed; or malled)
.22	
Daytime phone number Other phone	number. Fex number for document service
4	A Lib
NOTICE: I am hereby giving you 10 da	lys notice to move out of the rental unit or
manufactured home site located at:	The state of the s
22	The state of the s
Unitysto # Street # and street; name	IDA - LEGISLAND TO LEGISLAND - LOS CONTROL - LOS CONTROLS - LOS CO
By: 17 JUNE 2015	
Day Month Year	(date when tenant must move out or vacate the site)
	By registered mail
s.22	Parisonal A
Landlord's or Agent's signature	
Print name	Date - sende mesere beautifum mil
2 4 4 5 5 2 4 5 5 6 5 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5	Tours L. Zall

This is page 1 of a 2-page Notice.

The landlord must sign page one of this notice and must give the tenent pages 1 & 2.

Page 03 to/à Page 06

Withheld pursuant to/removed as

s.22



Residential Tenancy Branch Office of Housing and Construction Standards

Notice of Direct Request Proceeding

The Residential Tenancy Branch (RTB) has received an application for an Order of Possession / Monetary Order from your landlord regarding the rental unit at:

LANDLORD: Full Legal Name: s.22	TENANT: Full Legal Name: s.22	

This application states that:

- 1. You have failed to pay the rent or utilities as agreed; and,
- You were served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (form RTB-30) by the landlord; and.
- 3. Within five days of receiving the notice, you did not pay the rent and/or utilities or apply for dispute resolution.

The RTB will review the material submitted by the landlord and make a decision about granting an Order of Possession/ Monetary Order. If an Order of Possession is granted, the landlord will have the right of possession r the rental unit. The decision is legally binding. A fact sheet detailing the process is attached.

The landlord is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the tenant.

Supporting documents required:

- A copy of the Application for Direct Request (form RTB-12LDR)
- A copy of the two-page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (form RTB-30)
- A copy of the Proof of Service Notice to End Tenancy (form RTB-34)
- A copy of the Monetary Order Worksheet for Direct Request (form RTB-37DR) (if applying for a Monetary Order)
- A copy of the tenancy agreement (including the addendum if there is one)
- When payment for utilities is required, a copy of the written demand informing the tenant of the amount and due date, a copy of related utility bills, and proof of service of the written demand for utilities
- A copy of all Notices of Rent Increase since the tenancy began, if rent has increased
- If any rent was received after the 10 Day Notice to End Tenancy was issued, a copy of any
 receipts issued to the tenant



Proof of Service

Notice of Direct Request Proceeding

	41 7536 to continue	with the Direct F	Request P	roceeding.		#RTB - 44
File # 836223					والمرابع والمرابع والمرابع	
☐ Notice of Direct ☐ Copy of all sup You must serve to	ERVED: (check all the ct Request Proceeding opporting documents these documents to experience of Direct Requests to the contract of the contra	l each respondent <u>ir</u>			ete a <u>sep</u> a	arate
The documents w		month		time	0.0	
Full name of tena	ant being served:					
			10 × 0×2		and the second	
Tenant address: (a	ddress where documents w	ere served)		L.min		
				- Amiros		
unit street number	and street name	city			province	postal code
METHOD OF SE	RVICE: (check all the	at apply)				
☐ Hand delivering	ig a copy to:					
Name:			Signatur	a.		
	se print name of person receiving	ng the documents)		(Signature of po	erson receivi	ng the documents)
	method of service if reconstitution noticeable place where docum		Order.			P. A.
Name of w	vitness:		Signature	e:		
Maine of W	(Please p	orint)	7) - 3,		iignature of w	vitness)
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☐ I would like	a copy of the decision	n and/or order faxe		for	, aurabar	
administering the Residential	collected under section 26 (a) a Tenancy Act and Manufacture contact an information officer b	d Home Park Tenancy Act.	formation and I	Protection of Priva	ding the colle	ction of your
Public Information	RTE	OR MORE INFORM website: www.rto.g	ov.bc.ca	804-660-1020	Victoria:	250-387-1602
r ublic illioilliation	Lilles. 1-600-665-6775 (ton-nee) creater				

Residential Tenancy Branch
Office of Housing and Construction Standards
#RTB-44 (2014/06)



Pilot form only: Do not use after July 31, 2015

Application for Dispute Resolution by Direct Request

		#RTB – 12-LDI
	For RTB Use only: File #	836226
RTB use only: This application has been scheduled fo Resolution.	or a participatory hearing as a La	andlord's Application for Dispute
☐ This application is being made under the Manufacture	ed Home Park Tenancy Act	
This application is being made under the Residential	Tenancy Act	
LANDLORD(s): (Applicant(s): the person asking for of additional space is required to list all parties, use and a s.22		orm (RTB-26).
first and middle names	last name or the full legal b	pusiness name
first and middle names	last name	and the second s
Yes, the Mailing Address is different from the Applican DISPUTE ADDRESS: (address of the rental unit or 12.22 TENANT(s): (Respondent(s): the other party to the displacement)	manufactured home site)	
If additional space is required to list all parties, use and a		orm (RTB-26).
s.22		
first and middle names Respondent Address (address for service of document s.22	last name ts or notices – where material will b	oe given personally, left for, faxed, or m
daytime phone number other phone number Yes, a Schedule of Parties (form RTB-26) is being used.	d to add more Respondents to	The state of the s
그녀가 하게 되어가는 이번 살아가면 보다가 되는 것이 되었다. 그는 그는 그는 그를 다 가장 생각이 되었다.	d to add more Respondents to	this application and it is attached.
Yes, a Schedule of Parties (form RTB-26) is being used. Yes, the Mailing Address is different from the Respond	d to add more Respondents to	this application and it is attached. RESIDENTIAL TENANCY BRANCH BURNABY, S.C. JUN 1 2 2015
Yes, a Schedule of Parties (form RTB-26) is being used Yes, the Mailing Address is different from the Respondence TO FILE THIS APPLICATION: Submit your application and required materials in person to	ed to add more Respondents to dent Address and it is attached.	this application and it is attached. MESIDENTIAL TENANCY BRANCH BURNABY, B.C.

Residential Tenancy Branch
Office of Housing and Construction Standards
#RTB-12-LDR (2015/06)

page 1 of 2 pages

Pilot form only. Lio nel use after July 31, 2015

Application for Dispute Resolution by Direct Request

	For RTB Use only: File # \\ \delta 36 2 \(\text{2} \) 3-
NATURE OF DISPUTE:	
Ending tenancy, and seeking an	Order of Possession
	End Tenancy for Unpaid Rent or UtilitiesOPR
Seeking a Monetary Order for u	paid rent or utilities
I want to recover unpaid rent or u	utilities from the tenantMNR
The request for a Monetary Order	is for the following amount: \$ 3 \(\alpha / 2 \beta \)
This application must includ See instructions for a list of r	e the required supporting documents for a Direct Request. required supporting documents.
All applications must inclured inclured inclured inclured inclured including a monetary order.	ide details of rent or utilities owing even if you are not ler.
You must complete the Di	rect Request Worksheet (form RTB-46).
Do not give a copy of the Ap Tenancy Branch accepts it a waiver.	oplication to the Respondent(s) until the Residential and you have paid the application fee or obtained a fee
s.22	
Signature:	Date: June 12, 2015
Decretoristically forecastical for an analysis	under section vp.(a) and (c) of the Freedom of Information and Protection of Privacy Act

Your personal information is collected under section 2o (a) and (c) of the Freedom of Information and Protection of Privacy Act for the purpose of administering the Residential Tenancy Act and Manufactured Home Park Tenancy Act. If you have any questions regarding the collection of your personal information, please contact an information officer by calling 604-660-1020 in Greater Vancouver; 250-387-1602 in Victoria; or 1-800-665-8779 elsewhere in B.C.

FOR MORE INFORMATION

RTB website: www.gov.bc.ca/landlordtenant
Public Information Lines 1-800-665-8779 (toll-free) Greater Vancouver 604-660-1020

Victoria 250-387-1602

Pilot form only: Do not use after July 31, 2015



Direct Request Worksheet

File #: 336226 or Online refe	erence #:	#RTB-4
Full name of landlord: (if name is a busine	ess name, enter the full legal business name	in the 'last name' box)
s.22		1
first and middle name(s)	last name or the full legal business	name
	ancy agreement\	
Dispute Address: (as recorded on the tena	ancy agreement	

Month and date rent was due	Rent amount owing	Amount of partial payment(s) received	Date of partial payment(s)	Balance rent owed
Max, 1, you	6760	1450	May > 9, 2015	\$ 30°C.
April rost	\$ 750	v	0	6750
May 1. roll	\$750	ð	0	\$750
Jan 1, 2015	\$750		D	\$750.

Attach additional page(s), if necessary.

Amount listed for unpaid rent on the 10 Day Notice to End Tenancy

Amount paid since the 10 Day Notice to End Tenancy was issued

If any rent has been paid since issuing the 10 Day Notice, copies of rent receipts or other evidence of payment should be provided.

If seeking a monetary order for unpaid rent/utilities, the amount cannot exceed the amount listed on the 10 Day Notice to End Tenancy minus the amount paid since 10 Day Notice to End Tenancy was issued

Date of written demand (attach copy)	Utility amount	Amount of partial payment(s) received	Date of partial payment(s)	Balance utilities owed
Max1. 2015	\$ 138.89	7	ð	\$ 178.39
Apr/ 205	\$ 249,75	0	0	628825
May/ rout	\$178,18	0	0	617818
June 1, rois	\$295,01	0	0.	\$285,01

Attach additional page(s), if necessary.

Amount listed for unpaid utilities on the 10 Day Notice to End Tenancy

Amount paid since the 10 Day Notice to End Tenancy was issued

\$ \$862.83

If any utilities have been paid since issuing the 10 Day Notice, copies of receipts or other evidence of payment **should** be provided Your personal information is collected under section 26 (a) and (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the *Residential Tenancy Act* and *Manufactured Home Park Tenancy Act*. If you have any questions regarding the collection of your personal information, please contact an information officer by calling 604-660-1020 in Greater Vancouver; 250-387-1602 in Victoria; or 1-800-665-8779 elsewhere in B.C.

FOR MORE INFORMATION

RTB website: www.gov.bc.ca/landlordtenant

Public Information Lines 1-800-665-8779 (toll-free) Greater Vancouver 604-660-1020 Victoria 250-387-1602

Residential Tenancy Branch

Office of Housing and Construction Standards #RTB-46 (2016/04)

page 1 of 1

Instructions for Application for Dispute Resolution by Direct Request

IMPORTANT INFORMATION AND INSTRUCTIONS WHEN APPLYING FOR A DIRECT REQUEST using the Application for Dispute Resolution by Direct Request (form RTB-12LDR)

Note: landlords are not required to serve this page to tenants with the Application.

In order for your application to be considered for the Direct Request process, please note:

- If the tenant has applied to dispute the notice to end tenancy, you may not apply for a Direct Request.
- A landlord may only apply for Direct Request once 5 days have passed since the date the 10 Day Notice to End Tenancy (form RTB-30) is deemed received by the tenant.

Ensure you have included copies of the following required supporting documents:

- □ A copy of the two-page 10 Day Notice to End Tenancy (form RTB-30) served to the tenant
- □ A copy of the Proof of Service Notice to End Tenancy document (form RTB-34)
- A copy of the tenancy agreement (including the addendum if there is one)
- □ A copy of the Direct Request Worksheet (RTB-46)

Ensure you have included copies of the following required supporting documents, if applicable:

- Written demand to pay utilities when payment for utilities is required
- A copy of all Notices of Rent Increase since the tenancy began if rent has increased
- A copy of any receipts for rent paid after the 10 Day Notice to End Tenancy (form RTB-30)
 was issued

Note:

- The tenancy agreement must specify the date on which rent is due. All pages (including the addendum) of the tenancy agreement must be submitted. The tenancy agreement must be fully completed and signed by all parties.
- All dates, including dates of service of the 10 Day Notice to End Tenancy (form RTB-30), must be consistent on all documents submitted with this application.

INSTRUCTIONS

- · Check the box at the top of the application that corresponds to the legislation related to your dispute.
- Enter the full legal names of the applicant and respondent. The landlords' and tenants' names and addresses must be identical on all documents submitted with this application. Any discrepancies should be supported with relevant documentation.
- Dispute address: enter the address of the rental unit or manufactured home site.
- Nature of the dispute: check all items that relate to your claim.
- Order of Possession: landlord must provide details of service of Notice to End Tenancy.
- The landlord must provide details of the rent or utilities owing for all applications. If these details are not clear, your Application may be dismissed or dismissed with leave to re-apply. Contact the Residential Tenancy Branch if you need help completing this information.
- Monetary Order: landlord must complete details of monetary claim.
- Do not make claims other than unpaid rent or utilities. Late fees, NSF charges, future rent losses, deposits, repair costs and the Direct Request filing fee may not be claimed through this process.
- Signature: Make sure the application is signed and dated



10 Day Notice to End Tenancy for Unpaid Rent or Utilities

BECAUSE:	#RTB – 30
You have failed to pay rent	You have failed to pay utilities
in the amount of \$	in the amount of \$ following
That was due on: day month year	written demand on: day month year
Tenant: You may be EVICTED if yo	ou do not respond to this Notice
You have five (5) days to pay t	the rent and utilities (if applicable) to the landlord
or file an Application for Dispute	Resolution with the Residential Tenancy Branch.
This notice applies to a manufactured home site,	Manufactured Home Park Tenancy Act, section 39.
This notice applies to a rental unit, Residential To	enancy Act, section 46.
TO the TENANT(s) (full names are required))
If additional space is required to list all parties, use a	and attach "Schedule of Parties" form #RTR-26
	The state of term with 20.
ast name	first and middle name(s)
	mot and middle name(s)
ast name	
	first and middle name(s) or noticeswhere material will be given personally, left, faxed or mailed)
(additional in the state of addational in the state of addation in the state of addational in the stat	or noticeswhere (naterial will be given personally, left, faxed or mailed)
unit/site # street # and street name	B.C.
Antolic W Shoot Wall Shoot Halling	city province postal code
daytime phone other phone fax	number for document service
f additional space is required to list all parties, use or	ess name, use 'last name' field box to enter the full legal business name)
f additional space is required to list all parties, use ar	id attach "Schedule of Parties," form #RTB-26.
ast name or full legal business name	
_andlord Address (address for service of document	first and middle name(s) ts or noticeswhere material will be given personally, left for, faxed or mailed)
The following the first term of the first term o	do of notices-where material will be given personally, left for, faxed or mailed)
nit/site # street # and street name	oth.
	city province postal code
aytime phone other phone fax r	
	number for document service
someter than hereby giving you to	days notice to move out of the rental unit or
nanufactured home site located at:	
nit/site # street # and street name	city B.C. province postal code
By: (date when tenar	nt must move out or vacate the site)
day month year	a mast move out of vacate the site)
otice served: In person On the do	oor By registered mail
andlord's or Agent's Signature:	
andlord's or Agent's Name (please print or type)	Date:
This is p	page 1 of a 2-page notice.
The landlord must sign page one o	of this notice and must give the tenant pages 1 & 2.

Residential Tenancy Branch

Office of Housing and Construction Standards #RTB-30 (2014/07)

page 1 of 2 pages

If within 5 days you do not pay the rent and utilities (if applicable) or make an application for dispute resolution, the landlord can apply for an order of possession through the Direct Request process.

The Direct Request process is completed without either party attending a hearing. Instead:

- The landlord makes an application for an order of possession and submits:
 - A copy of the Application for Direct Request (form RTB-12LDR)
 - · A copy of this notice (form RTB-30)
 - A copy of the Proof of Service Notice to End Tenancy document (form RTB-34)
 - A copy of the Monetary Order Worksheet Direct Request (form RTB-46)
 - · A copy of the tenancy agreement (including the addendum if there is one)
 - · When payment for utilities is required, a copy of the written demand informing the tenant of the amount and due date, a copy of related utility bills, and proof of service of the written demand for utilities
 - · A copy of all Notices of Rent Increase since the tenancy began, if rent has increased
- The landlord will receive a proceeding package which must be served on the tenant within three days.
- The landlord sends the proof of service of the package to the Residential Tenancy Branch.
- · An arbitrator will review all documentation and will make a decision.
- The decision is final and binding on both parties.
- Fraud is the only reason that will be considered for a review of the decision.

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities can be Served:

- · Any day after the rent was due, for unpaid rent.
- · 30 days after the tenant was given a written demand to pay the arrears, for unpaid utilities.

The Notice is Deemed Received by the Tenant:

- The day the landlord gives the notice to the tenant in person, or to an adult (19 years or older) who appears to live with the tenant; or,
- · Three (3) days after the landlord either leaves the notice in the mailbox or in mail slot; posts it on the door or a noticeable place at the address where the tenant lives; or, faxes it to a number provided by the tenant; or,
- Five (5) days after the landlord sends the notice by registered mail to the address where the tenant lives.

Disputing the Notice

- The tenant can make an application for dispute resolution within 5 (five) days after receiving the 10 Day Notice to End Tenancy (form RTB-30).
- · If the tenant disputes the notice, a hearing will be held. Both parties will have an opportunity to participate.
- At the hearing, the landlord may ask for and receive an order of possession if the 10 Day Notice to End Tenancy (form RTB-30) is upheld by the arbitrator.

Tenants may dispute the notice for specific reasons such as:

- · they have proof the rent was paid; or,
- · they have an order from an arbitrator giving them permission to keep all or part of the rent; or,
- . They held part or all of the rent with prior notice to the landlord, for the cost of emergency repairs.

Important Facts

- The tenant is not entitled to withhold rent unless ordered by an arbitrator.
- The tenant who accepts the notice must move out by the date set out on page 1 of this notice or sooner.
- An error in this notice or an incorrect move-out date does not necessarily make the notice invalid.

For More Information

- Refer to A Guide for Landlords and Tenants in British Columbia available on the RTB website and offices.
- Visit Residential Tenancy Branch offices at:

Burnaby:

400 - 5021 Kingsway

Victoria:

101 - 3350 Douglas Street

This is page 2 of a 2-page notice. The landlord must sign page one of this notice and must give the tenant pages 1 & 2.

FOR MORE INFORMATION

RTB website: www.rto.gov.bc.ca

Public Information Lines: 1-800-665-8779 (toll-free) Greater Vancouver 604-660-1020 Victoria:250-387-1602 Page 15 to/à Page 19

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BECAUSE:	
You have failed to pay rent	The second secon
in the amount of \$ 3 \$ 60	You have fall at
that was due on	You have failed to pay utilities In the amount of \$ Q/2 G/3
06 Jun 2016	written demand
Day Month Year	4 06 Tub 2016
NOT THE SURFACE CONTINUES.	
renant: You may be EVICTED IS	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
You have five /5\ a=-	you Do Not Respond to this Notice: the rent or utilities to the landlord
or file an Application for D. Day	the rent or utilities to the leading Notice.
X This notice applies to a manufactured home site. Manufactured	the rent or utilities to the landlord Ition with the Residential Tenancy Branch:
to a fellial Unit Residential T	V Act, section 46
If additional space is required to list all parties, use and at	
as an parties, use and at	ttach "Schedule of Parties", form #PZP 26
Last name	s.22
	Fir
Last name	¬¬ ['"
Tonant But	
Tenant Address (address for service of documents or notices	First and middle names
s.22	5 - where material will be given personally left for
	s.22
name City	
	Province rusua code
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	s.22 form #RTB-26.
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Landiord Address (address for service of documents	Fl. Se and iniquie names
Landlord Address (address for service of documents or notice s.22	es - where material will be given personally left for
S.	22 (and the lor, raxed, or mailed)
eet name City	- R.L \$.22
	Province
Other phone number	
NOT GET A	Fax number for document service
man full 1 am hereby giving you 10 days a	To document service
NOTICE: I am hereby giving you 10 days n manufactured home site located at: s.22	otice to move out of the rental unit
	s.22
By: Street # and street name City	BC s.22
TUNE 1	Province
Month	
Nouced served: In person	(date when tenant must move out or vacate the site)
	egistered mail
Landlord's or Agent's signature	i i
	j,
Print name	Date
	Date
	June 5 >0 15.
The landless are single 1 of a 2-	Page Notice
	man of manage and and all a great

If within 5 days you do not pay the rent or utilities or make an application for dispute resolution, the landlord can apply for an order of possession through the direct request process.

The direct request process is completed without either party attending a hearing. Instead:

- The landlord makes an application for an order of possession and submits:
 - A copy of the tenancy agreement
 - · A copy of this notice
 - Proof that this notice was served
 - An application for Dispute Resolution.
- The landlord will receive a proceeding package which must be served on the tenant within three days.
- The landlord sends the proof of service of the package to the Residential Tenancy Branch.
- A Dispute Resolution Officer will review all documentation and will make a decision.
- The decision is final and binding on both parties.
- Fraud is the only reason that will be considered for a review of the decision.

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities Can be Served:

- · Any day after the rent was due, for unpaid rent.
- 30 days after the tenant was given a written demand to pay the arrears, for unpaid utilities.

The Notice is Deemed Received by the Tenant:

- The day the landlord gives the notice to the tenant in person, or to an adult (19 years or older) who appears to live with the tenant, or
- Three (3) days after the landlord either; leaves the notice in the mailbox or in mail slot; posts it on the door or a
 noticeable place at the address where the tenant lives; or faxes it to a number provided by the tenant, or
- Five (5) days after the landlord sends the notice by registered mail to the address where the tenant lives.

Disputing the Notice:

- The tenant can make an application for dispute resolution within 5 (five) days of receiving the 10 day notice.
- . If the tenant disputes the notice a hearing will be held. Both parties will have an opportunity to participate.
- At the hearing, the landlord can ask for and receive an order of possession if the 10 day notice is upheld by the
 dispute resolution officer.

Tenants may dispute the notice for specific reasons such as:

- They have proof the rent was paid.
- They have an order from a dispute resolution officer giving them permission to keep all or part of the rent.
- They held part or all of the rent with prior notice to the landlord, for the cost of emergency repairs.

Important Facts:

- The tenant is not entitled to withhold rent unless ordered by a dispute resolution officer.
- The tenant who accepts the notice must move out by the date set out on page 1 of this notice or sooner.
- An error in this notice or an incorrect move-out date does not make it invalid.

For More Information:

- Visit RTB web site at www.rto.gov.bc.ca.
- Contact a RTB office.
- · Refer to A Guide for Landlords and Tenants in British Columbia available on the RTB web site and offices.

This is page 2 of a 2-page Notice. The landlord must sign page one of this notice and must give the tenant pages 1 & \mathcal{Z}_{ℓ}

Residential Tenancy Branch Website: www.rto.gov.bc.ca Ministry of Energy and Mines



10 Day Notice to End Tenancy for Unpaid Rent or Utilities PROOF OF SERVICE

Date: June 5, xo15	
Landlord Tenant	
Name: s.22	
 	
Address	
s.22	•
Dispute Address:	
PROOF OF SERVICE	
s.22 Served the tenant with a 10 Day Notice to End Tenancy	(*copy attached)
Landlord/Agent Serving the Notice	
At:	
Address where service occurred	
☐ By Registered Mail # on	
(Receipt and tracking report attached) (Date)	
	*
☐ By posting it on the Tenant's door on Witnessed by:	
Signature	
Date Time (a.m. or p.m.)	
Print Name	
	**** <u>*</u>
Relationship to La	ndland
Relationship to La	idiord
Tenant's acknowledgement:	
By leaving it personally with s.22 Signature of Tenas	
on organizate of rectal	ıt .
Name of tenant	
June 6, 2015 & 10 PM Print Name	
Date Time (a.m. or p.m.) OR Witnessed by \$.22	
Optional Details: 10 days Notice to End -	
Tenancy for unpaid tent or utilities	741
7 = rancy for unpaid tent of utilities	
-	

Jun 6 2015

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Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

File No: 8	336	3223
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In the matter of the Residential Tenancy Act, SBC 2002, c. 78, as amended

Between

s.22 Landlord(s),

Applicant(s)

And

s.22

Tenant(s),

Respondent(s)

Regarding a rental unit at: s.22

Date of Decision: June 17, 2015

EX PARTE PROCEEDING

(DIRECT REQUEST PROCEEDING)

Pursuant to section 55(4) of the *Residential Tenancy Act*, the decision in this matter was made without a participatory hearing. The decision was based on an undisputed 10 day Notice to End Tenancy and the written submissions of the Landlord.



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u> 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 landlord for an Order of Possession based on unpaid rent and a monetary Order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 15, 2015, the landlord personally served the tenant the Notice of Direct Request Proceeding. The landlord had a witness sign the Proof of Service of the Notice of Direct Request Proceeding to confirm personal service. Based on the written submission of the landlord and in accordance with section 89, I find that the tenant has been duly served with the Direct Request Proceeding documents on June 15, 2015, the day it was personally served to them.

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 the Proof of Service of the Notice of Direct Request Proceeding served to the tenants;
- Six copies of notes from the landlord to the tenant regarding rent and utilities owing;

- A copy of a residential tenancy agreement which was signed by the landlord and the tenant on August 15, 2014, indicating a monthly rent of \$750.00 due on the first day of the month for a tenancy commencing on August 15, 2014;
- A Monetary Order Worksheet showing the rent and utilities owing and paid during this tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated June 06, 2015, and personally handed to the tenant on June 06, 2015, with a stated effective vacancy date of June 17, 2015, for \$2,550.00 in unpaid rent and \$862.83 in unpaid utilities.

Witnessed documentary evidence filed by the landlord indicates that the 10 Day Notice was personally handed to the tenant at 10:00 p.m. on June 06, 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 section 88 of the *Act*, I find that the tenant was duly served with the 10 Day Notice on June 06, 2015.

I find that the tenant was obligated to pay the monthly rent in the amount of \$750.00, as per the tenancy agreement.

I accept the evidence before me that the tenant has 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 tenant is 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, June 17, 2015.

Direct request proceedings are *ex parte* proceedings. In an *ex parte* proceeding, the opposing party is not invited to participate in the hearing or make any submissions. As there is no ability of the tenants to participate, there is a much higher burden placed on landlords in these types of proceedings than in a participatory hearing. This higher burden protects the procedural rights of the excluded party and ensures that the natural justice requirements of the Residential Tenancy Branch are satisfied.

Page: 3

I find that the landlord has not provided any copies of the bills associated with the written demand for unpaid utilities to substantiate the amount of utilities owing.

For this reason, the portion of the landlord's monetary claim regarding unpaid utilities is dismissed, with leave to reapply

Therefore, I find that the landlord is entitled to an Order of Possession and a monetary Order in the amount of \$2,550.00, the amount of rent claimed by the landlord, for unpaid rent owing for March 2015, April 2015, May 2015 and June 2015 as of June 15, 2015.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this**Order on the tenant. Should the tenant(s) 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 \$2,550.00 for rent owed for March 2015, April 2015, May 2015 and June 2015 as of June 15, 2015. 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.

I dismiss the landlord's claim for unpaid utilities, 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: June 17, 2015

N. Hayes, Adjudidator Residential Tenancy Branch



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

File No. 836223

Date: June 17, 2015

In the matter of the Residential Tenancy Act, SBC 2002, c. 78, as amended

Between

s.22 Landlord(s),

Applicant(s)

And

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 of the *Residential Tenancy Act* regarding a rental unit at:

s.22

<u>ORDER</u>

I DO AUTHORIZE AND COMMAND YOU, \$.22

tenant, and

any other occupant or other person occupying the premises to deliver full and peaceable vacant possession and occupation of the said premises to the landlord, not later than two (2) days after service of this Order upon you.

Dated: June 17, 2015

N. Hayes, Adjudicator Residential Tenancy Branch



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

File No. 836223

Date: June 17, 2015

In the matter of the Residential Tenancy Act, SBC 2002, c. 78, as amended

Between

s.22 Landlord(s),

Applicant(s)

And

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 of the *Residential Tenancy Act* regarding a rental unit at:

s.22

ORDER

I DO HEREBY ORDER, pursuant to Section 67 of the Residential Tenancy Act, that the

Tenant, s.22

pay to the Landlord, s.22

the sum

of **\$2,550.00**.

Dated: June 17, 2015

N. Hayes, Adjudidator Residential Tenancy Branch