

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 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, therefore, after you complete the form, make sure you review the form for accuracy and print the number of copies you require **before** you leave the document or shut down the program/computer.

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. Questions 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

| | |
|---|----|
| RESIDENTIAL TENANCY BRANCH BURNABY, B.C. | |
| JUL 28 2014 | |
| RECEIVED | 35 |
| RTB use only - date stamp & initial | |

DECISION or ORDER TO BE REVIEWED

Residential Tenancy Branch File No. (see decision):

823588

Review of: ☒ Decision ☒ Order

REVIEW APPLICANT(S) (person[s] asking for the review): (check one box) ☒ Tenant ☐ Landlord

Full name(s) of Applicant(s): (if entry for landlord is a business name, use the 'last name' field box to enter the full legal business name)

home phone

business phone

DEADLINE for THIS APPLICATION

You must submit your application:

- **within 2 days** of the date you receive the decision or order where the decision or order relates to an early end of tenancy, an order of possession for a landlord or tenant, unreasonable withholding of consent by a landlord regarding assignment and subletting or a landlord's notice to end a tenancy for non-payment of rent.
- **within 5 days** of the date you receive the decision or order, where the decision or order relates to a notice to end tenancy for any other reason; repairs or maintenance; or services or facilities.
- **within 15 days** of the date you receive the decision or order, where the decision or order relates to **any** other part of the Residential Tenancy Act or the Manufactured Home Park Tenancy Act.

| | Date Issued | Date Received | How You Received It |
|----------|--------------|---------------|---------------------|
| Decision | JUL 22, 2014 | JUL 28, 2014 | in person |
| Order | JUL 22, 2014 | JUL 28, 2014 | in person |

A. REQUEST FOR EXTENSION OF TIME TO APPLY FOR REVIEW

If you are filing this application beyond the time allowed by the RTA or the MHPTA you must complete this section. Time extensions may be granted only in exceptional circumstances, such as a natural disaster or a medical emergency.

☐ I am requesting an extension of time to make this application:

State why you were not able to apply for review within the required time frame and **LIST** and **ATTACH** evidence, such as a copy of your hospital admissions form.

B. GROUNDS for REVIEW

There are three reasons (grounds) in the RTA and MHPTA that allow a decision or order to be reviewed.

- ☐ I was not able to attend the hearing due to circumstances that could not be anticipated and were beyond my control (e.g., an earthquake or a medical emergency)..... GO TO C1.
- ☐ I have new and relevant evidence that was not available at the time of the hearing GO TO C2.
- ☒ I have evidence that the decision was obtained by fraud. GO TO C3.

A review is not an opportunity to re-argue the case. These are the only reasons that a decision may be reviewed.

C. DETAILED INFORMATION ON REASONS FOR REQUESTING A REVIEW

Please provide additional information or arguments on a separate page if necessary.

☐ C1. UNABLE TO ATTEND

What happened that was beyond your control or that could not have been anticipated that prevented you from attending the original hearing?

What testimony or additional evidence would you have provided if you were at the hearing?

~~If you have no other grounds, go to D.~~

If you have further grounds for review, continue on page 3.

☐ **C2. NEW AND RELEVANT EVIDENCE**

List EACH item of new and relevant evidence and state WHY it was not available at the time of the hearing and HOW it is relevant.

If you have no other grounds, go to D.

If you have further grounds for review, go to C3.

☒ **C3. FRAUD**

Three elements are required to show a decision or order was obtained by fraud:

1. False information was submitted
2. The person submitting the evidence knew that it was false, and
3. The false information was used to get the desired outcome.

Which information submitted for the initial hearing was false and what information would have been true?

s.22

How did the person who submitted the information know it was false?

s.22

How do you think the false information was used to get the desired outcome?

s.22

Go to D.

Continued

I/We, the Applicant(s)/Agent for the Applicant(s), apply to the Director of the Residential Tenancy Branch for a review of this decision and/or order of the Residential Tenancy Branch. I/We have read this application in full. The information provided is true and correct.

Date:

28 July 2014
day month year

Date:

day month year

ATTACHMENTS:

You **must attach** all written evidence to support your application, including a copy of the decision(s) and/or order(s) being reviewed.

Please **do not resubmit** evidence from the original hearing.

Please check off what is attached to this form:

- ☐ copy of decision or order you wish to have reviewed
- ☐ evidence proving the extraordinary conditions that prevented you from making your application for review on time, as described in Section A of this form
- ☐ evidence showing why you were not able to attend the original hearing, as described in C1 of this form
- ☐ new and relevant evidence that was not available at the time of the original hearing, as described in C2 of this form
- ☐ evidence showing how fraud was used to get the original decision or order, as described in C3 of this form
- ☐ additional pages (state what the additional pages are for:)

| |
|--|
| |
|--|

WHERE TO SUBMIT:

Submit completed *Application for Review Consideration*, with attachments and fee, to one of the following offices:

Residential Tenancy Branch

BURNABY: 400 - 5021 Kingsway V5H 4A5

VICTORIA: 101 - 3350 Douglas Street V8Z 3L1

If there is no Residential Tenancy Branch office in your area, you can file your application at any Service BC-Government Agent Office (To locate an office near you, call Enquiry BC 1 800 663-7867)

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 s.22 , Landlord(s), Applicant(s)

And s.22 Tenant(s), Respondent(s)

Regarding a rental unit at: s.22

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.

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, Arbitrator
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

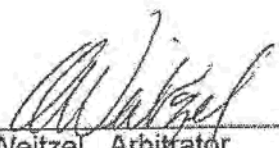
Tenant(s) to deliver full

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

Page 11 to/à Page 12

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s.22

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:**

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

Date:

File Number: 823588

**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**

I _____ served _____ with the Notice of Direct Request
(Name of Landlord/ Agent) (Name of Tenant)

Proceeding requesting an Order of Possession/ Monetary Order in the following manner on:

_____ at _____
(Date) (Time)

Service

- ☐ With the tenant at: _____
(Address or Location)
- ☐ Posted at : _____
Note: Do not use this method if requesting a Monetary Order (Address or Location)
- ☐ Registered mail

Service Timelines in effect.
See Section 89 of the
Residential Tenancy Act
and Section 82 of the
*Manufactured Home Park
Tenancy Act* for details.

Attach a completed Canada Post Registered
Mail Receipt, including tracking number,
here or on a separate page

- ☐ This matter was resolved and I wish to cancel the application.
- ☐ I would like a copy of the Decision and/or Order faxed to: _____
- ☐ I understand that I will receive the originals by mail for enforcement.

Landlord / Agent Signature

Landlord's Application for Dispute Resolution

For RTB use only: File # 823588 13

☐
☒

This application is being made under the *Manufactured Home Park Tenancy Act*

This application is being made under the *Residential Tenancy Act*

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 #RTB-26.

s.22

☐
☐

Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.

Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

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 #RTB-26.

s.22

☐
☐

Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.

Yes, the **Mailing Address** is different from the Respondent Address, 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.

| |
|---|
| RESIDENTIAL TENANCY BRANCH BURNABY, B.C. |
| JUL 08 2014 |
| RECEIVED 4 |
| RTB-use-only - date stamp & initial |

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

Website: www.rto.gov.bc.ca

#RTB-12-L (2011/03)



BRITISH COLUMBIA

The Best Place on Earth

Landlord's Application for Dispute Resolution

Page 2

For RTB use only: File # 823588

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 Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: 10 day Notice to End Tenancy

How was it served? June 4, 2014 on the door for unpaid Rent or Utiliti.

Reason for ending tenancy: July 2, 2014 in person

- | | | |
|-------------------------------------|--|-----|
| <input type="checkbox"/> | Employment with landlord has ended | OPE |
| <input checked="" type="checkbox"/> | The tenant has not paid rent or utilities | OPR |
| <input type="checkbox"/> | The landlord wants the unit or property for another use | OPL |
| <input type="checkbox"/> | The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) | OPC |
| <input type="checkbox"/> | The tenant does not qualify for subsidized housing | OPQ |
| <input type="checkbox"/> | The tenant has breached an agreement with the landlord (provide a copy of agreement) | OPB |

Monetary Order:

- | | | |
|-------------------------------------|--|------|
| <input type="checkbox"/> | For damage to the unit, site or property | MND |
| <input checked="" type="checkbox"/> | For unpaid rent or utilities | MNR |
| <input checked="" type="checkbox"/> | To keep all or part of pet damage deposit or security deposit | MNSD |
| <input checked="" type="checkbox"/> | For money owed or compensation for damage or loss under the Act, regulation 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 Dispute' box below.

\$ 1209.31

Other

- | | | |
|-------------------------------------|---|----|
| <input checked="" type="checkbox"/> | Recover filing fee from the tenant for the cost of this application | FF |
| <input type="checkbox"/> | Serve documents or evidence in a different way than required by the Act | SS |
| <input type="checkbox"/> | End Tenancy Early and obtain an Order of Possession..... | ET |
| <input type="checkbox"/> | Other (provide details in the 'Details of the Dispute' box below) | O |

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

Landlord's Application for Dispute Resolution

For RTB use only: File # 823588 13

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

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 #RTB-26.

s.22

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

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 #RTB-26.

s.22

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, 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.

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| RESIDENTIAL TENANCY BRANCH BURNABY, B.C. JUL 08 2014 RECEIVED RTB use only - date stamp & initial |
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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
Website: www.rto.gov.bc.ca

#RTB-12-L (2011/03)



For RTB use only: File # 823588**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 Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: 10 day Notice to End TenancyHow was it served? June 4, 2014 on the door. For unpaid Rent or UtilitiesReason for ending tenancy: July 2, 2014 in person.

- ☐ Employment with landlord has ended OPE
- ☒ 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 section 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 copy of agreement) OPB

Monetary Order:

- ☐ 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, regulation 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 Dispute' box below.

\$12,891.31**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 Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession..... ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

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

Page 19 to/à Page 22

Withheld pursuant to/removed as

s.22

10 Day Notice to End Tenancy for Unpaid Rent or Utilities

BECAUSE:

You have failed to pay rent

in the amount of \$ 1180.00
that was due on 02 07 2014
Day Month Year

You have failed to pay utilities

in the amount of \$ 207.31 following
written demand on 02 07 2014
Day Month Year

Tenant: You may be EVICTED if you Do Not Respond to this Notice.

You have five (5) days to pay the rent or utilities 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 Tenancy Act*, section 46.

TO the TENANT(S) (full names are required)

RESIDENTIAL TENANCY BRANCH

If additional space is required to list all parties, use and attach "Schedule of Parties" form #RTR-26. BURNABY, B.C.

s.22

FROM the LANDLORD (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties" form #RTR-26.

s.22

NOTICE: I am hereby giving you 10 days notice to move out of the rental unit or manufactured home site located at:

s.22

By: 13 07 2014
Day Month Year

(date when tenant must move out or vacate the site)

Noticed served: In person ☒ On the door ☐ By registered mail ☐

s.22

Landlord's or Agent's signature

Print name

Date July 2, 2014 9 AM

this is page 1 of a 2-page notice.

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

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.rtb.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 & 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
Elsewhere in BC: Any Service BC Centre
#RTB-30 (201208)



10 Day Notice to End Tenancy for Unpaid Rent or Utilities

PROOF OF SERVICE

Date: July 2, 2014

| Landlord | Tenant |
|------------------------|--------|
| Name: _____ | |
| Address: _____ | |
| Dispute Address: _____ | |

PROOF OF SERVICE

| | |
|---|--|
| <p><u>1</u> _____ y (*copy attached)</p> <p>At: _____</p> <p>Address where service occurred</p> | |
| <p><input type="checkbox"/> By Registered Mail # _____ on _____</p> <p>(Receipt and tracking report attached)</p> | <p>RESIDENTIAL TENANCY BRANCH BURNABY, B.C.</p> |
| <p><input type="checkbox"/> By posting it on the Tenant's door on _____</p> <p>Date & Time (a.m. or p.m.)</p> | <p>Witnessed by: _____</p> <p>Signature _____</p> <p>Print Name _____</p> <p>Relationship to Landlord _____</p> |
| <p><input checked="" type="checkbox"/> By leaving it personally with _____</p> <p>s.22 _____ on _____</p> <p>Name of tenant _____</p> <p><u>July 2, 2014</u> & <u>9 AM</u></p> <p>Date Time (a.m. or p.m.)</p> <p>Optional Details: <u>10 Day Notice to End Tenancy for Unpaid Rent or Utilities and move out of rental unit.</u></p> | <p>Tenant's acknowledgement:</p> <p>Signature of Tenant _____</p> <p>Print Name _____</p> <p>OR</p> <p>Witnessed by: _____</p> <p>Relationship to Landlord _____</p> |

Landlord/ Agent Serving the Notice _____

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

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

A handwritten signature in black ink, consisting of several overlapping loops and a long vertical stroke at the bottom.

J. Ceraldi, Arbitrator
Residential Tenancy Branch



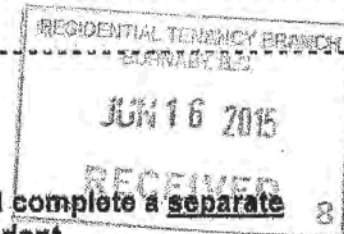
BRITISH
COLUMBIA

Proof of Service Notice of Direct Request Proceeding

Note: This must be completed and faxed with registered mail receipts, *if applicable*, to 1-866 341 7536 to continue with the Direct Request Proceeding.

#RTB-44

File # 838223



DOCUMENTS SERVED: (check all that apply)

- ☒ Notice of Direct Request Proceeding
☒ Copy of all supporting documents

You must serve these documents to each respondent individually and complete a separate Proof of Service Notice of Direct Request Proceeding for each respondent.

The documents were served on 15 day June month 2015 year at 9:45 PM. time

Full name of tenant being served:

s.22

METHOD OF SERVICE: (check all that apply)

- ☒ Hand delivering a copy to: s.22

Name:

☐ Signature: _____
 (Signature of person receiving the documents)

- ☐ Registered Mail (attach a completed Canada Post Registered Mail Receipt, including tracking number on a separate page)
☐ Attaching a copy on the door or other noticeable place

Do not use this method of service if requesting a Monetary Order.

 (Description of noticeable place where documents were attached)

Name of witness: s.22

Signature: s.22

June 15, 2015
9:45 pm.

SIGNATURE:

I confirm I served the documents in the way described above.

Signature: s.22

Date:

15June2015

(the documents)

day

month

year

Full name of person serving the documents, including, if applicable, company name

s.22

- ☐ I would like a copy of the decision and/or order faxed to:

area code

fax number

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 604-680-1020 in Greater Vancouver; 250-387-1802 in Victoria; or 1-800-665-8779 elsewhere in B.C.

FOR MORE INFORMATION

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

Public Information Lines: 1-800-665-8779 (toll-free) Greater Vancouver: 604-680-1020 Victoria: 250-387-1802

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

page 1 of 1

file NO 836223

10 Day Notice to End Tenancy for Unpaid Rent or Utilities**BECAUSE:**

You have failed to pay rent

In the amount of
that was due on

\$ 2550.00

04

Day

06 JUN

Month

2015

Year

You have failed to pay utilities

In the amount of
written demand on

\$ 620.81

following

04

Day

06 JUN

Month

2015

Year

Tenant: You may be EVICTED if you Do Not Respond to this Notice.You have five (5) days to pay the rent or utilities 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 Tenancy Act*, section 46

TO the TENANT(S) (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Tenant Address (address for service of documents or notices - where material will be given personally, left for, faxed, or mailed)

s.22

Daytime phone number

Other phone number

Fax number for document service

FROM the LANDLORD (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name or full legal business name

First and middle names

Landlord Address (address for service of documents or notices - where material will be given personally, left for, faxed, or mailed)

s.22

Daytime phone number

Other phone number

Fax number for document service

NOTICE: I am hereby giving you 10 days notice to move out of the rental unit or manufactured home site located at:

s.22

Unit/Store # Street # and street name City

By:

17

Day

JUNE

Month

2015

Year

(date when tenant must move out or vacate the site)

Noticed served: In person

☒

On the door

s.22

☐

By registered mail

☐

Landlord's or Agent's signature

Print name

Date

June 16, 2015

This is page 1 of a 2-page Notice.

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

Page 03 to/à Page 06

Withheld pursuant to/removed as

s.22

Date: June 15, 2015

File Number: 836223

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:

s.22

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,
2. 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 of 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

Note: This must be completed and faxed with registered mail receipts, if applicable, to 1-866 341 7536 to continue with the Direct Request Proceeding.

#RTB - 44

File # 836223

DOCUMENTS SERVED: (check all that apply)

- ☐ Notice of Direct Request Proceeding
☐ Copy of all supporting documents

You must serve these documents to each respondent individually and complete a separate Proof of Service Notice of Direct Request Proceeding for each respondent.

The documents were served on at
day month year time

Full name of tenant being served:

Tenant address: (address where documents were served)

unit street number and street name city province postal code

METHOD OF SERVICE: (check all that apply)

- ☐ Hand delivering a copy to:

Name:
(Please print name of person receiving the documents)Signature:
(Signature of person receiving the documents)

- ☐ Registered Mail (attach a completed Canada Post Registered Mail Receipt, including tracking number on a separate page)
☐ Attaching a copy on the door or other noticeable place

Do not use this method of service if requesting a Monetary Order.

(Description of noticeable place where documents were attached)

Name of witness:
(Please print)Signature:
(Signature of witness)**SIGNATURE:**

I confirm I served the documents in the way described above.

Signature:
(Signature of person serving the documents)Date:
day month year

Full name of person serving the documents, including, if applicable, company name

- ☐ I would like a copy of the decision and/or order faxed to:

area code fax number

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

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

Application for Dispute Resolution by Direct Request

#RTB - 12-LDR

For RTB Use only: File #

836226

☐ RTB use only: This application has been scheduled for a participatory hearing as a Landlord's Application for Dispute Resolution.☐ This application is being made under the *Manufactured Home Park Tenancy Act*☒ This application is being made under the *Residential Tenancy Act***LANDLORD(s):** (Applicant(s): the person asking for dispute resolution)If additional space is required to list all parties, use and attach the *Schedule of Parties* form (RTB-26).

s.22

first and middle names

last name or the full legal business name

first and middle names

last name

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

daytime phone number

other phone number

fax number for document service

☐ Yes, a *Schedule of Parties* (form RTB-26) is being used to add more Applicants to this application and it is attached.☐ Yes, the Mailing Address is different from the Applicant Address and it is attached.**DISPUTE ADDRESS:** (address of the rental unit or manufactured home site)

s.22

TENANT(s): (Respondent(s): the other party to the dispute)If additional space is required to list all parties, use and attach the *Schedule of Parties* form (RTB-26).

s.22

first and middle names

last name

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

daytime phone number

other phone number

fax number for document service

☐ Yes, a *Schedule of Parties* (form RTB-26) is being used to add more Respondents to this application and it is attached.☐ Yes, the Mailing Address is different from the Respondent Address and it is attached.**TO FILE THIS APPLICATION:**

Submit your application and required materials in person to:

- RTB Burnaby: 400 – 5021 Kingsway
- Any Service BC location

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

JUN 12 2015

RECEIVED 35

RTB use only – date stamp &
initial**Residential Tenancy Branch**

Office of Housing and Construction Standards

#RTB-12-LDR (2015/06)

Application for Dispute Resolution by Direct Request

For RTB Use only: File #

836 223.

NATURE OF DISPUTE:

Ending tenancy, and seeking an Order of Possession

☒ I have served a 10 Day Notice to End Tenancy for Unpaid Rent or UtilitiesOPR

Seeking a Monetary Order for unpaid rent or utilities

☒ I want to recover unpaid rent or utilities from the tenantMNR

The request for a Monetary Order is for the following amount:

\$ 3812.83

This application **must** include the required supporting documents for a Direct Request. See instructions for a list of required supporting documents.

All applications **must** include details of rent or utilities owing even if you are not requesting a monetary order.

You **must** complete the Direct Request Worksheet (form RTB-46).

Do not give a copy of the Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

s.22

Signature: _____

Date:

June 12, 2015

Your personal information is collected under section 20 (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

BRITISH
COLUMBIA

Direct Request Worksheet

File #: 836 226

or Online reference #:

#RTB-46

Full name of landlord: (if name is a business name, enter the full legal business name in the 'last name' box)

s.22

first and middle name(s)

last name or the full legal business name

Dispute Address: (as recorded on the tenancy agreement)

s.22

Monthly Breakdown of Rent on the 10 Day Notice to End Tenancy

| Month and date rent was due | Rent amount owing | Amount of partial payment(s) received | Date of partial payment(s) | Balance rent owed |
|-----------------------------|-------------------|---------------------------------------|----------------------------|-------------------|
| example Mar. 1, 2015 | example \$750 | example \$450 | example May 9, 2015 | example \$300 |
| Apr. 1, 2015 | \$750 | 0 | 0 | \$750 |
| May 1, 2015 | \$750 | 0 | 0 | \$750 |
| Jun 1, 2015 | \$750 | 0 | 0 | \$750 |

Attach additional page(s), if necessary.

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

\$ 2550.

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

\$ 2550.

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

Breakdown of Utilities on the 10 Day Notice to End Tenancy

| Date of written demand (attach copy) | Utility amount | Amount of partial payment(s) received | Date of partial payment(s) | Balance utilities owed |
|--------------------------------------|---------------------|---------------------------------------|----------------------------|------------------------|
| example Mar 1, 2015 | example \$138.89 | example 0 | example N/A | example \$138.89 |
| Apr 1, 2015 | \$249.75 | 0 | 0 | \$249.75 |
| May 1, 2015 | \$178.18 | 0 | 0 | \$178.18 |
| June 1, 2015 | \$295.01 | 0 | 0 | \$295.01 |

Attach additional page(s), if necessary.

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

\$ 862.83

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 (2015/04)

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

#RTB - 30

BECAUSE:

You have failed to pay rent

in the amount of \$

That was due on:

 day month year

You have failed to pay utilities

in the amount of \$

following

written demand on:

 day month year**Tenant: You may be EVICTED if you do not respond to this Notice.**

You have five (5) days to pay 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 Tenancy Act*, section 46.**TO the TENANT(s)** (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties," form #RTB-26.

last name

first and middle name(s)

last name

first and middle name(s)

Tenant Address (address for service of documents or notices--where material will be given personally, left, faxed or mailed)

unit/site #

street # and street name

city

B.C.

province

postal code

daytime phone

other phone

fax number for document service

FROM the LANDLORD (if entry is a business name, use 'last name' field box to enter the full legal business name)

If additional space is required to list all parties, use and attach "Schedule of Parties," form #RTB-26.

last name or full legal business name

first and middle name(s)

Landlord Address (address for service of documents or notices--where material will be given personally, left for, faxed or mailed)

unit/site #

street # and street name

city

province

postal code

daytime phone

other phone

fax number for document service

NOTICE: I am hereby giving you 10 days notice to move out of the rental unit or manufactured home site located at:

unit/site #

street # and street name

city

B.C.

province

postal code

By:

 day month year

(date when tenant must move out or vacate the site)

Notice served: ☐ In person☐ On the door☐ By registered mail

Landlord's or Agent's Signature: _____

Landlord's or Agent's Name (please print or type) _____

Date:

 day month year

This is page 1 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

#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

Withheld pursuant to/removed as

s.22

BECAUSE:

You have failed to pay rent

In the amount of
that was due on

\$ 2,500.00

04
Day06 Jun
Month2015
Year

You have failed to pay utilities

In the amount of
written demand on

\$ 862.83

following

04
Day06 Jun
Month2015
Year**Tenant: You may be EVICTED if you Do Not Respond to this Notice.**You have five (5) days to pay the rent or utilities 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 Tenancy Act*, section 46

TO the TENANT(S) (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name

s.22

Flr

Last name

First and middle names

Tenant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

s.22

name

City

B.C.

s.22

Province

Postal Code

Other phone number

Fax number for document service

FROM the LANDLORD (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name or full legal business name

First and middle names

Landlord Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

s.22

Set name

City

B.C.

s.22

Province

Phone number

Other phone number

Fax number for document service

NOTICE: I am hereby giving you 10 days notice to move out of the rental unit or manufactured home site located at:

s.22

s.22

Street # and street name

City

BC

s.22

Province

By:

17
DayJUNE
Month2015
Year

(date when tenant must move out or vacate the site)

Noticed served: In person

☒

On the door

☐

By registered mail

☐

Landlord's or Agent's signature

Print name

Date

JUNE 20 2015

This is page 1 of a 2-page Notice.

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 & 2.

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

Date: June 5, 2015

| Landlord | Tenant |
|--------------------------------------|--------|
| Name: <small>s.22</small> | |
| Address | |
| Dispute Address: <small>s.22</small> | |

PROOF OF SERVICE

s.22
 I _____ served the tenant with a 10 Day Notice to End Tenancy (*copy attached)
 Landlord/Agent Serving the Notice
 At: s.22 _____
 Address where service occurred

☐ By Registered Mail # _____ on _____
 (Receipt and tracking report attached) (Date)

☐ By posting it on the Tenant's door on
 _____ & _____
 Date Time (a.m. or p.m.)

Witnessed by:

Signature

Print Name

Relationship to Landlord

☒ By leaving it personally with
s.22

Name of tenant

June 5, 2015 & 10 PM
 Date Time (a.m. or p.m.)

Optional Details: 10 days Notice to End
Tenancy for unpaid rent or utilities

Tenant's acknowledgement:

Signature of Tenant

Print Name

OR
 Witnessed by s.22

Relationship to Landlord

s.22

Jun 6 2015

Page 23 to/à Page 24

Withheld pursuant to/removed as

s.22



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

File No: 836223

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

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 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.

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, 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 AUTHORIZE AND COMMAND YOU, ^{s.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, ^{s.22}, 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, Adjudicator
Residential Tenancy Branch