



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, OPB, MNR, MNDC, FF

Introduction

This hearing dealt with a landlord's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "*Act*") for:

- an order of possession for unpaid rent or utilities;
- an order of possession for cause;
- an order of possession as the fixed term tenancy has ended;
- a monetary order for unpaid rent or utilities;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and
- recovery of the filing fee paid for this application from the tenants.

The landlord and the tenants appeared at the teleconference hearing and gave affirmed testimony. The tenants appeared with a person who was able to act as an interpreter and who was also affirmed. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. The parties, however, were unable to achieve a resolution in regards to the landlord's claim for recovery of the filing fee.

During the course of the hearing, the parties reached an agreement to settle all matters except the landlord's claim for recovery of the filing fee, on the following conditions:

1. The tenants will vacate the rental unit by April 15, 2017 at 1:00 p.m.;
2. The tenants will pay rent in the amount of \$600.00 by March 31, 2017 for rent that is due for the period between April 1, 2017 to April 15, 2017.

3. The parties agree that the landlord will be granted a conditional order of possession effective two (2) days after service on the tenant(s) which will be of no force or effect if the tenants successfully comply with the above terms. If the tenants fail to comply with the above terms, the order of possession will be of full force and effect and may be served upon the tenant(s).
4. The parties agree that this settlement agreement constitutes a final and binding resolution of the landlord's Application at this hearing, with the exception of the landlord's claim for recovery of the filing fee from the tenants.

These particulars comprise the full and final settlement of all aspects of this dispute for all the parties, except for the landlord's claim for recovery of the filing fee from the tenants. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and the parties understood the nature of this full and final settlement of all matters except the landlord's claim for recovery of the filing fee from the tenants.

If the tenants fail to comply with the terms of this settlement agreement, the landlord may serve the order of possession on the tenant(s). If the landlord serves the order of possession on the tenant(s) and the tenant(s) 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.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* to end the tenancy earlier or apply for monetary compensation or other orders under the *Act*.

Issue to be Decided

- Is the landlord entitled to recovery of the filing fee paid for this application from the tenants?

Background and Analysis

The landlord is seeking to recover the \$100.00 filing fee for their application from the tenants. The tenants do not wish to reimburse the landlord for the filing fee.

As this matter was settled, I decline to award the landlord recovery of the filing fee for the cost of their application.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord is not entitled to recovery of the filing fee for the cost of their application as the matter was settled.

The landlord has been granted a conditional order of possession effective two (2) days after service on the tenant(s), which will be of no force or effect if the tenants successfully comply with the terms of this settlement agreement. If the tenants fail to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant(s).

Should the landlord need to enforce the order of possession, the landlord must serve the order of possession on the tenant(s) and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenants successfully comply with the terms of this settlement, the tenancy will continue until April 15, 2017 at 1:00 p.m.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 30, 2017

Residential Tenancy Branch