



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ECO-WORLD PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR OPR FF

Introduction

This hearing arises following a decision issued on July 4, 2018, made pursuant to the Landlords' application for direct request proceeding. The Tenant P.V. applied for a review of the decision on the basis they were unable to attend the original hearing, and fraud. In a written decision dated July 16, 2018, the Tenants were granted a new hearing.

The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for unpaid rent or utilities;
- an order of possession for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlords were represented at the hearing by V.Y. The Tenant P.V. attended the hearing on his own behalf. P.V. testified he does not know the whereabouts of A.M.S., who did not attend the hearing. V.Y. and P.V. provided affirmed testimony.

Preliminary and Procedural Matters

During the hearing, V.Y. acknowledged that the Tenants were not served with the direct request proceeding documents in accordance with the order made in the decision dated July 16, 2018. The reason provided was that the Landlords were not provided with the Tenants' forwarding address. Further, V.Y. testified that the Landlords did not receive notice of the new hearing from the Tenants in accordance with the order made in the decision dated July 16, 2018. Rather, the Landlords were advised of the hearing details by the Residential Tenancy Branch. In any event, Y.V. and P.V. attended the hearing at the appointed date and time. During the hearing, V.Y. and P.V. provided affirmed testimony, agreed with respect to the terms of the tenancy, and were prepared to proceed with settlement. P.V. also provided the address of his current residence.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

During the hearing, V.Y and P.V. mutually agreed to settle this matter as follows:

1. The Tenant P.V. agrees to pay the Landlords \$600.00.
2. The Tenant P.V. agrees the Landlords are entitled to retain the security deposit of \$675.00.
3. The Landlords agree to withdraw the Application.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. As the decision was reached through negotiation, I decline to grant the Landlords recovery of the filing fee.

Conclusion

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

In support of the settlement, I grant the Landlords a monetary order in the amount of \$600.00. As A.M.S. was not served with the direct request proceeding documents and was likely unaware of the hearing, the order is made against P.V. only, despite the joint and several liability of tenants generally. The order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: September 13, 2018

Residential Tenancy Branch