



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, FFL

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- a monetary order for unpaid rent for \$2,010 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:41 pm in order to enable the tenants to call into the hearing scheduled to start at 1:30 pm. The landlords attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that the landlords and I were the only ones who had called into the hearing.

The landlords testified they served that the tenants with the notice of dispute resolution package and supporting documentary evidence by posting them on the door of the rental unit on August 13, 2021. They testified that the tenants were residing in the rental unit at this time. When the tenancy ended shortly thereafter, and the tenants returned the keys to the landlords and acknowledged that they received the documents. As such, I deem the tenants have been served with the required documents.

Issues to be Decided

Are the landlords entitled to:

- 1) a monetary order for \$2,010; and
- 2) recover the filing fee?

Background and Evidence

While I have considered the documentary evidence and the testimony of the landlords, not all details of their submissions and arguments are reproduced here. The relevant and important aspects of the landlords' and my findings are set out below.

The parties attended a hearing of an application for dispute resolution on July 23, 2021. At the hearing, the parties entered into a settlement. The presiding arbitrator recorded the agreement in a written decision issued on the same day. He wrote:

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

1. The tenants agree to give vacant possession of the rental unit to the landlords by August 15, 2021, at 1:00 P.M.
2. The tenants will pay July 2021 rent in the amount of \$1,340.00 on July 26, 2021 and *pro rata* August 01 to 15, 2021 rent in the amount of \$670.00 on August 02, 2021.

The presiding arbitrator issued an order of possession, but not a monetary order.

The landlords testified that the tenants have not paid any part of the amounts owed pursuant to the settlement agreement. As such, they applied for an order of possession.

Analysis

Based on the July 23, 2021 decision, I find that the tenants were obligated to pay \$2,010 to the landlords. I accept the landlords' testimony that they have not paid any part of this amount. As such, I order the tenants to pay this amount.

Pursuant to section 72(1) of the Act, as the landlords has been successful in the application, they may recover the filing fee from the tenants.

Conclusion

Pursuant to sections 62 and 72 of the Act, I order that the tenants pay the landlords \$2,110. I attach a monetary order for this amount, which may be enforced in the Provincial Court (Small Claims) of British Columbia.

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: February 11, 2022

Residential Tenancy Branch