



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding 1297789 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Tenant JL: CNC, FFT
Landlord: OPN, FFL

Introduction

This hearing was reconvened from a hearing on April 6, 2023 regarding applications made by the parties under the Residential Tenancy Act (the “Act”).

One of the Tenants, JL, applied under the Act for:

- cancellation of a One Month Notice to End Tenancy for Cause pursuant to section 47; and
- authorization to recover the filing fee for JL’s application from the Landlord pursuant to section 72.

The Landlord applied under the Act for:

- an Order of Possession under a Notice to End Tenancy given by the Tenants pursuant to section 55; and
- authorization to recover the filing fee for the Landlord’s application from the Tenants pursuant to section 72.

Following the original hearing on April 6, 2023, the parties reached a partial settlement (the “Settlement”) which was recorded in an interim decision dated April 6, 2023 (the “Interim Decision”). This decision should be read together with the Interim Decision.

The Landlord’s owner DSH and DSH’s interpreter SL attended this reconvened hearing. JL’s father DL also attended this reconvened hearing. The parties were reminded that they remained under oath to tell the truth.

Settlement and Order of Possession

DSH and SL confirmed that JL did not pay anything to the Landlord as per the Settlement. DL suggested that JL was not able to send an e-transfer but could pay cash.

Based on the parties' testimonies, I find JL did not pay the Settlement Funds to the Landlord as required by the terms of the Settlement. Pursuant to term 2 of the Settlement, I grant the Landlord an Order of Possession of the rental unit effective 1:00 pm on April 30, 2023.

Monetary Order and Filing Fee

Pursuant to term 2 of the Settlement, I find the Landlord is entitled to compensation from JL in the amount of \$2,652.00, representing unpaid use and occupancy of the rental unit for the month of April 2023.

Since JL did not make any payment in accordance with the Settlement, I exercise my discretion under section 72(1) of the Act to award the Landlord reimbursement of its \$100.00 filing fee, and to dismiss JL's claim for reimbursement of his filing fee.

The parties agreed that the Landlord holds a \$1,300.00 security deposit. Pursuant to section 72(2)(b) of the Act, I authorize the Landlord to retain the security deposit in partial satisfaction of the total amount awarded to the Landlord in this decision.

The Monetary Order granted to the Landlord for the balance is calculated as follows:

Item	Amount
Unpaid April 2023 Use and Occupancy as per Term 2 of the Settlement	\$2,652.00
Reimbursement of the Landlord's Filing Fee	\$100.00
Subtotal	\$2,752.00
Less Security Deposit	- \$1,300.00
Total Monetary Order for Landlord against JL	\$1,452.00

Conclusion

Pursuant to Term 2 of the Settlement, I grant the Landlord an Order of Possession effective **1:00 pm on April 30, 2023**. The Landlord must serve this Order as soon as possible. Should JL fail to vacate the rental unit pursuant to this Order after being served, this Order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

JL is cautioned that the costs of such enforcement, including bailiff costs and filing fees, are recoverable by the Landlord.

The Landlord is entitled to compensation of \$2,752.00 from JL. The Landlord is authorized to retain the **\$1,300.00** security deposit in partial satisfaction of the total amount awarded.

Pursuant to Term 2 of the Settlement and section 72(1) of the Act, I grant the Landlord a Monetary Order of **\$1,452.00** for the balance. This Order may be served on JL, filed in the Small Claims Division of the Provincial Court of British Columbia, 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: April 14, 2023

Residential Tenancy Branch