

DECISION

Dispute Codes MNR, MNDC

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties and the witness the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witness.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$5,119.99, and the applicant is also requesting that the respondent bear the \$100.00 cost of the filing fee that was paid for the application for dispute resolution.

Decision and reasons

This is an application for a monetary order for compensation for losses that resulted from two leaks that occurred in the rental property, however at the hearing both the tenant, the landlord, and the landlords agent, all agreed that the landlords agent had informed the tenants that they could have two months' rent free, to compensate them for their losses.

Both the tenants and the landlord's agent also testified that the tenants accepted this offer as a final settlement of their claim, and that the matter was settled.

Therefore since there is a settlement agreement in place, the tenants no longer have a claim for any further compensation, as they have already accepted the equivalent of \$2900.00 as a final settlement of their claim for damages.

The landlord stated at the hearing, that although her agent did tell the tenants they could have two months free rent to settle the matter, she did not authorize her agent come to such an agreement, although she does admit that he was acting as her agent at the time.

It is my decision that the landlord is bound by the agreement that was entered into by her agent, which gives the tenants two months free rent, and therefore the landlord has no claim against the tenants for those two months rent.

Conclusion

This claim for damages is dismissed without 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: July 30, 2010.

Dispute Resolution Officer