



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LRE, MNDC, O, OLC, RR, FF

Introduction and Preliminary Matters

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking monetary orders under the Act or tenancy agreement, an order for the Landlord to comply with the Act or tenancy agreement, to suspend or set conditions on the Landlord's right to access the rental unit, to reduce the rent for repairs or services agreed upon in the tenancy agreement but not provided, for other relief and to recover the filing fee for the Application.

Both parties appeared and had submitted evidence in written and documentary form.

Included in the evidence of the parties was a copy of a decision made by a different Dispute Resolution Officer on March 1, 2011, under a different file number (the "Original Hearing"). The decision outlines the terms of an agreement that the parties reached in the Original Hearing.

The Tenants have applied here and in effect wish to reopen the dispute and request a monetary order. They allege the Landlord has not abided by the terms of the decision from the Original Hearing.

However, I find I must dismiss this Application as I find I have no jurisdiction under the Act to hear this matter, for the following reasons.

An agreement between the parties is final and binding on the parties. Under section 63 of the Act, if the parties settle their dispute during dispute resolution proceedings a Dispute Resolution Officer may record the settlement in the form of a decision or an order. The Dispute Resolution Officer from the first hearing recorded the settlement in this manner and issued his decision on March 1, 2011.

Under section 77 of the Act, a decision or order is final and binding on the parties, except as otherwise provided for in the Act, such as under a Review.

Under the Act I have no authority to vary or set aside the decision or order of another Dispute Resolution Officer, except under an Application for Review, or under the direction of the Supreme Court of British Columbia following a judicial review. This was not an Application for Review, nor was there evidence of a judicial review having occurred.

Therefore, I dismiss the Application of the Tenants.

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 26, 2011.

Residential Tenancy Branch