



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR; FF

Introduction

This is the Landlords' application for a Monetary Order for unpaid rent or utilities; and to recover the cost of the filing fee from the Tenant.

The Landlords gave affirmed testimony. The Landlords testified that they served the Tenant with the Notice of Hearing documents by handing the documents to the Tenant on May 7, 2011.

The Tenant provided documentary evidence to the Residential Tenancy Branch on August 8, 2011. The Landlords acknowledged receipt of the Tenant's evidence package. Based on the affirmed testimony of the Landlords, and the fact that the Tenant provided documentary evidence to the Branch, I am satisfied that the Tenant was served with the Notice of Hearing documents on May 7, 2011. The Tenant did not sign into the Hearing and the matter proceeded in his absence.

Preliminary Matter

The Landlords are seeking compensation for loss of income for the remaining term of the fixed term tenancy.

At the outset of the Hearing, it was determined that the male Landlord and the Tenant reached a settlement agreement on February 21, 2011, during a dispute resolution hearing. Pursuant to the provisions of Section 63 of the Act, the dispute resolution officer recorded the terms of settlement in the form of a Decision. A copy of the Decision was provided in evidence.

One of the terms of settlement was, "The landlord agreed to pay the tenant \$600.00 and not to pursue his claim against the tenant for the loss of income and the cost of cleaning and repairs." The Decision further states, "The parties agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties."

Therefore, I find that this matter has already been decided. I have no authority under the Act to reconsider an application that has been decided. The Landlords' application is dismissed.

Conclusion

The Landlords' application is dismissed.

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: August 16, 2011.

Residential Tenancy Branch