



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      Landlord:      MNR, MND, MNDS, MNSD and FF  
Tenants:      MNSD and RP

### Introduction

This hearing was convened on applications by both the landlord and the tenants.

By application of April 16, 2013, the landlord had sought a monetary award for damage to the rental unit, unpaid utilities, damage or loss under the legislation or rental agreement, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off.

By application of May 21, 2013, the tenants sought a monetary award for return of their security deposit in double and an order for return of personal property.

Despite having made application and having been served with the Notice of Hearing on the tenants' application sent by registered mail, the landlord did not call in to the number provided to enable her participation in the telephone conference call hearing.

Therefore, the landlord's application is dismissed without leave to reapply and the hearing proceeded on the tenants' application.

This tenancy was the subject of a hearing on April 26, 2013 which took place after the landlord's present application was made. In the result, the parties arrived at a settlement agreement under which the landlord was provided with an Order of Possession to take effect on April 30, 2013 and the tenants were provided with a Monetary Order for \$900.

As noted at item 8 in the settlement agreement:

The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenants' application and the landlord's application ....."

The matters in those applications included, among many other remedies, the landlord's claim on the security deposit and the tenants claim for return of personal property repeated in the present application.

I find that the remedies sought in the present application were resolved by the settlement agreement of April 26, 2013 and cannot be claimed again.

Therefore, the tenants' application is dismissed without leave to reapply.

#### Conclusion

The landlord's application is dismissed without leave to reapply as she did not appear at the hearing.

The tenants' application is dismissed as *res judicata*, as the claims submitted were resolved by a settlement agreement at the previous hearing.

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 10, 2013

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Residential Tenancy Branch

