



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REQUEST FOR CLARIFICATION DECISION

Dispute Codes CNR, FF, RR, RP, MNDC

Introduction

The tenant filed a Request for Clarification of a decision dated August 18, 2014 in which I recorded a settlement between the parties of certain parts of the tenant's claim.

The tenant was represented by a lawyer at the hearing. At the end of the hearing the parties reached a settlement and I recorded the settlement pursuant to section 63(2) of the Residential Tenancy Act. The settlement was read out and both parties confirmed their agreement before I closed the conference call.

The Request for Clarification is over 2 ½ pages in length and asks many questions many of which deal with issues that are not part of the settlement. I determined it was not appropriate to provide clarification for the following reasons:

- a. The decision records a settlement between the parties. It does not set out how I decided the case. It is not appropriate for an arbitrator to clarify an agreement between the parties as it is their settlement.
- b. The settlement is self-explanatory and no clarification is necessary.
- c. It is not appropriate for an arbitrator to consider the tenant's questions in the absence of submissions from both parties.
- d. If the tenant has questions relating to the implementation of the settlement the tenant should contact her lawyer and the representative of the landlord to see whether they can work out the questions. If they cannot work out the questions the settlement gives the tenant liberty to file a new application making a monetary claim. She could raise those issues in the presence of the

representative of the landlord at that time. If the arbitrator determines the settlement covers that part of the claim raised the arbitrator would dismiss that part of the claim. If the arbitrator determines the claim is not covered by the settlement he/she would consider whether the tenant is entitled to what she is claiming and make a determination in that hearing.

As a result I dismissed the tenant's Request for Clarification.

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: September 9, 2014

Residential Tenancy Branch

