



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Cyclone Holdings  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing dealt with an application by the tenant for a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on December 6, the landlord did not participate in the conference call hearing.

### Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

The parties were previously involved in a dispute resolution proceeding on November 3, 2014 in which they settled the tenant's claim. Part of their settlement included the following:

- The landlord will compensate the tenant for all past inconvenience and loss of enjoyment of her suite because of the infestation by paying to the tenant the sum of \$840.00 on December 1, 2014.

The tenant seeks a monetary order for \$7,140.00 which represents half of the rent she paid during the tenancy plus \$840.00 as the landlord failed to pay her on December 1 as promised. She testified that she only agreed to accept \$840.00 in compensation because her evidence had not been received by the Residential Tenancy Branch at the time of the November 3 hearing.

### Analysis

I find that the tenant agreed to accept \$840.00 in full compensation for the losses she experienced during the tenancy and although she may now regret having agreed to this amount and believe she is entitled to a greater sum, her agreement with the landlord is

binding upon her. I find that this agreement prevents her from seeking further compensation and I therefore dismiss the claim.

I note that the tenant was granted a monetary order on November 3. She is free to enforce that order through the Small Claims Court if necessary.

### Conclusion

The claim 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: July 10, 2015

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Residential Tenancy Branch

