



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, O, FF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- other remedies, identified as an administrative penalty to be issued against the landlords, pursuant to section 94.1; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord's agent, DS ("landlord") and the two tenants, male and female, attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord provided a written authorization and verbally confirmed that he had authority to represent his father, the landlord named in this application, as an agent at this hearing. The male tenant ("tenant") confirmed that he had authority to represent his wife, the "female tenant" as an agent at this hearing, as she was present in the room with the tenant but did not speak during this hearing (collectively "tenants").

At the outset of the hearing, both parties confirmed that a "previous hearing" was held at the Residential Tenancy Branch ("RTB") on June 10, 2016, for applications filed by both the landlord and the tenants. The file numbers for those applications appear on the front page of this decision. Both parties confirmed that a different Arbitrator issued a "previous decision," dated June 10, 2016, which confirmed both parties' agreement to settle their issues and noted the following at clause "d" of the agreement:

*"this is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy."*

Both parties agreed at the hearing that the above provision means that neither party, whether landlord or tenants, could file any claims against each other at the RTB with respect to this tenancy after June 10, 2016. The tenant confirmed that the tenants did

not apply for a review, correction or clarification of the previous decision. The tenants' application for this current hearing was filed on September 13, 2016. The tenant said that the landlord should not be allowed to violate the *Act*. At the hearing, the tenants requested that an administrative penalty, pursuant to section 94.1 of the *Act*, be levied against the landlord.

During the hearing, I notified both parties that the tenants' application was dismissed without leave to reapply because the tenants agreed at the previous hearing that they would not file any claims against the landlord after June 10, 2016 and this current claim was filed on September 13, 2016.

As advised to both parties during the hearing, I do not have the authority to administer administrative penalties against the landlord, only the Director of the RTB does. In any event, this is a further claim by the tenants, where they agreed at the previous hearing that they would not file any claims against the landlord after June 10, 2016.

### Conclusion

The tenants' entire application is dismissed without leave to reapply.

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: March 13, 2017

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Residential Tenancy Branch