



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND, MNDC

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for a monetary order.

The hearing was conducted via teleconference and was attended by the landlord and one of the tenants.

The landlord had submitted evidence for this hearing on July 30, 2010, outside of the 5 day requirement to serve evidence and I advised the parties at the hearing that I would not consider this evidence.

The landlord had noted in the evidence and at the start of the hearing that she had found some additional damage to the interior doors of the rental unit. As the landlord had not filed an amendment to her application and because the amendment had been submitted too late, I find the tenants would be prejudiced to proceed on this matter and therefore, I do not accept the landlord's amendment.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for damage to the rental unit or residential property and for compensation for damage or loss, pursuant to Sections 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties acknowledge there were previous dispute resolution decisions regarding these two parties. The first decision granted the tenant a monetary order in the amount of double the security deposit. The second decision, dated January 12, 2010, granted the landlord a monetary order for cleaning the rental unit.

The second decision also included the dismissal of the landlord's claim for damages to the landscaping resulting from the tenant's care for the residential property and for loss of plugs for the sinks in the rental unit.

Analysis

Res judicata is defined as an issue that has been definitively settled by judicial decision and includes the following three essential elements:

1. An earlier decision on the issue;
2. A final judgement on the merits; and
3. The involvement of the same parties.

In this matter, I find that an earlier decision that involved the same parties and considered the merits of the landlord's claim has been adjudicated and provided, I therefore find the matter *Res judicata*.

Conclusion

As a result of the above findings, I dismiss the landlord's application, in its entirety, 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: August 03, 2010.

Dispute Resolution Officer