

DECISION

Dispute Codes MNDC

Introduction

This conference call review hearing was convened in response to a Dispute Resolution Officer's decision and order dated October 24th, 2011 following the landlord's application for my original decision dated September 28th, 2011. In the review decision, the Dispute Resolution Officer states in part:

"On this basis, in the interest of the principles of natural justice, I allow the Application for a Review for the limited and express purpose of considering the evidence with respect to the fridge only and I hereby Order that the Hearing be reconvened pursuant to the provisions of Section 82(2)(b) Act (sic)."

Accordingly my previous decision dated September 28th, 2011 remains undisturbed; this hearing deals only with the tenant's original claim of a rent reduction of \$300 for a defective refrigerator.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the tenant entitled to a monetary order, and if so for what amount?

Background and Evidence

The rental unit is a duplex where the tenant has resided since November 2000.

In his application for review, the landlord submitted a copy of a decision dated December 16th, 2010. That hearing was convened as a result of the tenant's application to make repairs to the fridge in the rental unit. It was determined that the fridge belonged to the tenant; that that it was the tenant's responsibility; and the tenant's application was dismissed.

During the discussions between the parties, the tenant confirmed that the fridge for which the tenant was awarded a one-time rent reduction of \$300.00 in my September 28th, 2011 decision was the same fridge.

Analysis

Based on the fact that the tenant had already brought this specific matter to dispute resolution before, and a decision was made by a Dispute Resolution Officer on December 16th, 2010, I consider the matter before as "rez juridicata", meaning that it was already determined.

Accordingly, the tenant was not entitled to a monetary claim and this aspect of my order dated September 28th, 2011 is hereby amended to reflect a \$300.00 deduction.

Conclusion

The Order dated September 28th, 2011 is of no effect.

The \$300.00 rent reduction is dismissed and I grant the tenant a monetary order for the sum of \$2724.94

This Order may be registered in the Small Claims Court and enforced as an order of that Court.

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: November 22, 2011.

Residential Tenancy Branch