



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes:

**MNDC**

### Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has requested compensation for damage or loss under the Act.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

The parties confirmed the following facts:

- The tenancy commenced on February 1, 2008;
- The tenancy ended on July 31, 2010 as the result of a mutually settled agreement reached during a hearing held on June 15, 2010;
- The landlord and tenant also reached agreement on June 15, 2010, providing compensation to the tenant;
- That after the tenancy ended a cross-application hearing was held on November 10, 2010, in which the tenant had applied requesting compensation for additional damage and loss compensation; and
- That the tenant's current application includes a claim for damage and loss under the Act.

During the hearing I explained the concept of res judicata and the requirement that an applicant bring forward their whole claim when making an application. In this case the tenant has made a claim which she neglected to include as part of her application heard on November 10, 2010.

Residential Tenancy Rules of Procedure, section 1.2 provides:

### ***Objective of the Rules of Procedure***

*The objective of the Rules of Procedure is to ensure a consistent, efficient and just process for resolving disputes.*

I find that it is a breach of the objective of the dispute resolution process to expect multiple claims for the same matters, be considered. The tenant had an opportunity to be heard and to make her claim as part of her application for damage and loss that was considered in November, 2010.

Therefore, I find that the tenant's application is dismissed as her attempt to again claim compensation, for matters that she neglected to include in her last application, is unreasonable and not a proper use of the dispute resolution process.

### Conclusion

The tenant's application 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: March 23, 2012.

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Residential Tenancy Branch