



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This conference call hearing was convened in response to the tenant's application for a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

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 tenancy started on May 1, 2004 and ended on May 4, 2010. A Residential Tenancy Branch hearing held on June 7, 2010 resulted in a settlement wherein the landlord was awarded a monetary order, and wherein both the landlord and the tenant agreed not to bring any further legal action against the other with respect to this tenancy. Although the nature of the dispute before me was not previously heard, the decision embraces a general settlement of all issues that could arise out of the tenancy under the Residential Tenancy Act. Therefore according to the June 7, 2010 decision any aspect of the tenant's application has already been decided, and on the basis of "rez judicata" I decline to hear the tenant's evidence and no subsequent determination will be made.

If the tenant did not agree with the outcome of the June 7 decision, a remedy would have been to apply for judicial review.

Conclusion

Accordingly this application is hereby 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: May 29, 2012.

Residential Tenancy Branch