



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MNR

Based on the documentary evidence and testimony of the parties, I find that the issues in dispute were previously heard on September 25, 2012 and that a decision was rendered on that same day.

The landlord had stated that he felt the previous Arbitrator had erred in law when rendering a decision. It was explained in great detail to both parties that neither I nor any other Arbitrator could disturb the original decision and that the landlord was at liberty to pursue other mechanisms available to him if he so chose. The landlord indicated that he understood.

The landlord feels that by applying under a different “application code” he is entitled to make a new application. However when the landlord was asked to present his case he replied; “well it’s all right there, it’s the same as last time”.

Black’s Law Dictionary defines *res judicata*, in part as follows:

Rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action.

Following from the above, I find that the landlord had made a previous application for a monetary order for the same claims as he has made in this application. The Arbitrator

made a decision on September 25, 2012, to dismiss the landlord's application. Therefore based on the definition of *res judicata* I must dismiss the landlord's application.

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: January 28, 2013

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Residential Tenancy Branch

