



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Rimcher Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      AS, OPT, O

This matter was scheduled for a teleconference hearing at 9:30 a.m. on this date. Both parties participated in the hearing. The tenants have made an application seeking an order to allow them to assign or sublet their mobile home, to be given an order of possession to effect that order, and to have a “stay” issued against the order of possession awarded the landlord in a hearing from November 6, 2012. Both parties acknowledge and agree that the landlord was granted an order of possession in regards to this matter. The tenants stated that they did not agree with the Arbitrators decision and wanted to address that matter in today’s hearing. It was explained in great detail to both parties that I am unable to disturb or change the decision or orders issued by another Arbitrator. I explained the options available to the parties and both parties acknowledged that they understood.

Based on the documentary evidence and testimony of the parties, I find that the issues in dispute were previously heard on November 6, 2012.

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 this matter has been dealt with and therefore based on the definition of *res judicata* I must dismiss the tenants 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 *Manufactured Home Park Tenancy Act*.

Dated: May 28, 2013

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Residential Tenancy Branch

