



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Rivers Inlet Enterprises Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF

### Introduction

This was a hearing with respect to the landlord's application for a monetary order. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend the hearing.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

In this application, which was filed on March 25, 2013, the landlord claimed payment of the sum of \$5,000.00 for unpaid rent for the period from September, 2010 to January, 2011. According to the landlord's application: "The tenant skipped in late Jan/2011".

During the hearing I advised the landlord's representative that there is a two year limitation period to make an application for dispute resolution and if a claim is not made within two years from the date that the tenancy ended the claim ceases to exist for all purposes.

After the hearing was concluded I discovered that the landlord made a previous application with respect to this tenancy and that on February 22, 2011, I made a decision with respect to this tenancy, granting the landlord an order for possession and a monetary order in the amount of \$5,275.00, after deducting the tenant's \$600.00 security deposit. The monetary award was for unpaid rent for the same period claimed by the landlord in this application.

Analysis and conclusion

It is troubling that the landlord's representative did not disclose the fact that there was a previous application, a hearing and a decision in the landlord's favour with respect to the same claim that is before me on this application. Not only is this claim out of time because more than two years have passed since the tenancy ended, it is also *res judicata*; that is, there has already been a determination of the landlord's claim on the merits and an award has been made to the landlord with respect to the same claim that is again before me. The previous decision and order given on February 22, 2011 operates as an absolute bar to a subsequent application with respect to the same claim.

The landlord's application is therefore 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: June 14, 2013

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Residential Tenancy Branch

