



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities Inc.
0856123 BC Ltd. o/a G & R Manufactured Homes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, FF, O

This hearing was convened in response to an application by the Landlord pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent;
2. An Order to retain the security deposit;
3. An Order to recover the filing fee for this application; and
4. Other.

The Landlord and Tenant each appeared. At the onset of the Hearing, the Tenant requested an adjournment, stating that he was 72 years old and suffering from a flu. The Landlord objected to the adjournment.

The Landlord stated that it has taken some time to obtain the hearing date and that the Landlord’s application seeks a new hearing on a matter previously heard in July 2013 and from which an order had been obtained in favour of the Landlord. The Landlord stated that it seeks to obtain a different order that adds another party. The Landlord stated that the original order named the Parties as provided by the Landlord in its original application but that the application did not fully include the party the Landlord now wants to include for enforcement purposes. The Landlord stated that they were informed by the Residential Tenancy Branch that they could not file an application for either a correction or a review to add this party to the order.

Section 70 of the Act provides that a decision or order is final and binding on the parties. Where a disputed matter is identical to or substantially the same as the earlier disputed

matter, the application of res judicata operates to preserve the effect of the first decision or determination of the matter. As a previous decision and order were made in relation to the subject of the current application, I found that the previous decision and order was final and binding and that I had no authority to rehear the matter and therefore alter the order or issue a different order. I therefore dismissed the application. As the application was dismissed, the matter was concluded and there was no need to consider the adjournment request.

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: November 07, 2013

Residential Tenancy Branch

