



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This Review Hearing was convened to consider an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession – Section 55; and
2. Monetary Order for unpaid rent - Section 67.

The Landlord appeared and confirmed that he received notice of today’s hearing that I note the Tenant was previously directed to complete in the Interim Decision, dated August 1, 2014. The Tenant did not appear at today’s hearing

The Landlord withdrew the claim for an order of possession as the Landlord has possession of the unit. The Landlord also withdraws the claim for utilities. The remaining matter to be determined is the Landlord’s claim for unpaid April and May 2014 rent.

The Landlord refers to a Decision dated August 12, 2014. It is noted that this Decision considered evidence from the Parties on the amount of rent that was payable during the tenancy and the arbitrator made a finding on the amount of rent payable during the tenancy including the period covering the Landlord’s current claim for unpaid rent.

The legal principle of ***Res judicata*** prevents a party from pursuing a claim that has already been decided. 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 the dispute in relation to

the amount of rent payable during the tenancy has already been determined in the Decision dated August 12, 2014, I find that res judicata applies and I cannot change this determination. As the previous monetary order for unpaid April and May 2014 rent is based on the same amount as determined in the Decision dated August 12, 2014, I confirm the force and effect of that monetary order for **\$2,200.00**, dated May 23, 2014. This matter is therefore concluded.

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: October 8, 2014

Residential Tenancy Branch

