



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for an Order of Possession for unpaid rent pursuant to section 55 and a monetary order for unpaid rent pursuant to section 67.

The landlord testified that she handed the Notice of Hearing and Dispute Resolution Hearing Package to the tenant on January 18, 2015 at the rental unit. I find the tenant duly served with the dispute resolution notice and hearing package.

Preliminary Issue – Evidence and Analysis re: Jurisdiction

A previous Residential Tenancy Branch decision was included in the documentary evidence provided by the landlord in this application. It was dated from January 10, 2014 and provided an outcome with respect to the landlord's application for an Order of Possession for unpaid rent and a monetary order for unpaid rent. The original arbitrator issued a 2 day Order of Possession and a monetary Order in favour of the landlord in the amount of \$ 2900.00, also allowing the retention of the tenant's security deposit by the landlord. The decision stated that, the Order of Possession may be filed in the Supreme Court and enforced as an order of that Court.

The landlord testified that the tenant continues to reside in the rental unit and that it will be costly to attend to court to enforce the orders previously granted. The landlord now files with respect to the same tenant requesting the same orders. In this case, the landlord made a previous application under section 55 and 67 of the Act with respect to this tenancy. This is therefore a second application seeking an Order of Possession and a monetary order. I therefore find that this current application is *res judicata* meaning the matter has already been conclusively decided and cannot be decided again.

I decline jurisdiction to hear this matter.

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: February 05, 2015

Residential Tenancy Branch

