



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MND, MNR, MNDC, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for unpaid rent, a monetary Order for damage to the rental unit, a monetary Order for money owed or compensation for damage or loss, and to recover the fee for filing this Application for Dispute Resolution.

The Landlord stated that on August 21, 2014 the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wishes to rely upon as evidence were sent to the Tenant, via registered mail. The Tenant acknowledged receipt of these documents.

On September 23, 2014 the Tenant submitted documents to the Residential Tenancy Branch, which the Tenant wishes to rely upon as evidence. The Advocate for the Tenant stated that these documents were served to the Landlord by registered mail, although she cannot recall the date of service. The Advocate for the Tenant stated that the documents were also served to the Landlord's husband, although she cannot recall the date of service. The Landlord stated that no documents were received from the Tenant.

The Tenant was given the opportunity to introduce her documents through oral testimony and I was able to conclude this matter without adjourning the hearing for the purposes of providing the Tenant with the opportunity to re-serve her evidence to the Landlord.

### Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent/lost revenue or for damage to the rental unit?

### Background and Evidence

The Landlord and the Tenant agree that the Landlord previously filed an Application for Dispute Resolution, in which she applied for compensation in the amount of \$1,372.00. The Landlord is seeking a monetary Order for \$1,372.00 in this Application for Dispute Resolution. The file number for the Landlord's previous Application for Dispute Resolution is recorded on the first page of this decision.

The Landlord and the Tenant agree that on July 28, 2014 a hearing was convened to consider the merits of the Landlord's previous Application for Dispute Resolution. The parties agree that the Landlord was not represented at the hearing on July 28, 2014 and that the Application for Dispute Resolution was dismissed, without leave to reapply.

The Landlord stated that the claims she is making in this Application for Dispute Resolution are identical to the claims she made in the previous Application for Dispute Resolution.

### Analysis

Res judicata is a legal principal that prevents a party from making a second claim for issues that have previously been determined. Where there has been a final judgment on an issue that is no longer subject to appeal, the matter cannot be raised again.

As the issues in dispute have been dismissed without leave to reapply in a previous dispute resolution proceeding, I find the principle of res judicata applies. The Landlord does not have the right to raise these issues in another dispute resolution proceeding and I therefore dismiss the Application for Dispute Resolution, without leave to reapply.

### Conclusion

The Application for Dispute Resolution is dismissed in its entirety.

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 25, 2015

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Residential Tenancy Branch

