



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

MNR, MND, MNSD, MNDC, FF

This matter was set for hearing at 9:00 a.m. on this date. The applicant and respondent failed to attend the hearing by 9:10 a.m.

The landlord applied requesting compensation in the sum of \$8,713.22.

A copy of a previous decision issued on December 6, 2012 was submitted as evidence. On that date the landlord was issued a monetary Order in the sum of \$8,713.22, naming a co-tenant of the respondent named on the current application.

The landlord's application states that the 2 parties were co-tenants and that the tenancy ended on November 30, 2012. The landlord now wishes to collect damages from the 2<sup>nd</sup> co-tenant, who she was unable to serve at the time of the application previously made.

The decision issued on December 6, 2012 finds the tenancy ended November 30, 2012.

Residential Tenancy Branch Rules of Procedure, section 10.1, provides:

### ***10.1 Commencement of the dispute resolution proceeding***

*The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

In the absence of an appearance by either party by 9:10 a.m. I find this application is abandoned and dismissed without leave to reapply. I have considered section 60 of the Act, which provides, in part:

### **Latest time application for dispute resolution can be made**

**60** *(1) If this Act does not state a time by which an application for dispute resolution must be made, it must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.*

Therefore, I find that the latest time by which an application could be submitted was November 30, 2014. As that time has passed no further applications related to this tenancy may be made.

I note that it appears the landlord was attempting to obtain an Order on a matter that has been previously decided. If so, the principle of res judicata would apply and the matter could not be considered a second time.

This decision is final and binding and 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: March 06, 2015

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Residential Tenancy Branch

