



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNSD, MNDC, FF

Introduction and Preliminary Matter

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested a Monetary Order for the following: damage to the rental unit; unpaid rent or utilities; money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; to keep all or part of the pet damage deposit or security deposit; and, to recover the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony.

Introduced in evidence was a decision of my fellow arbitrator made September 30, 2014 wherein the Landlord's Application was dismissed without leave to reapply as the Landlord failed to attend the hearing. The Landlord confirmed he did not apply for a review of the September 30, 2014 decision. The Landlord filed the within application on October 14, 2014 seeking the same relief.

I informed the parties that I was not able to hear the Landlord's application as it had already been decided on September 30, 2014 as to do so would offend the principle of *Res judicata*.

Res judicata is a rule in law that a final decision has been made and cannot be heard again. There are three preconditions that must be met before the principle of *res judicata* can operate:

- 1) The same question has been decided in an earlier proceeding;
- 2) The earlier decision was final; and
- 3) The parties to the earlier decision are the same in both the proceedings.

Conclusion

The Landlord's application was dismissed without leave to reapply on September 30, 2014. The within application as an attempt by the Landlord to rehear the matter. I declined jurisdiction on the principle of *Res Judicata*.

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: May 21, 2015

Residential Tenancy Branch

