



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNSD, MNDC

Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$4121.85, and requesting recovery of the \$100.00 filing fee.

A substantial amount of documentary evidence, photo evidence, digital evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

The parties were affirmed.

Issue(s) to be Decided

The first issue I dealt with was whether or not this matter has already been dealt with in a previous hearing.

Background and Evidence

At the beginning of the conference call, the tenant stated that the landlord had filed the exact same application previously, and it was dismissed by the arbitrator without leave to reapply.

The parties supplied the file number of that previous application.

Analysis

I reviewed the previous application filed by the landlord and it was an application for the exact same claims as on today's application. Even the monetary amount was exactly the same, \$4121.85.

I also reviewed the decision by the arbitrator in that file, and the tenant is correct, the application was dismissed without leave to reapply.

I also reviewed the decision of a review application that was filed by the landlord, and that application for review was also dismissed.

Therefore this matter has already been dealt with, and was dismissed without leave to reapply, and therefore the landlord did not have the right to file this present application.

Conclusion

This matter was already dealt with in a previous arbitration and therefore is considered Res Judicata, and I have no authority to rehear the application. I therefore declined jurisdiction over this claim for damages, and I Order that the applicant bear the cost of the filing fee.

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: August 30, 2016

Residential Tenancy Branch