



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$930.20 and requesting recovery of the \$100.00 filing fee.

Some documentary 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.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Decision in reasons

This is an application brought by the landlords requesting a monetary order for \$930.20 in outstanding utilities; however the landlords filed a previous claim requesting the same amount of money in outstanding utilities, plus some outstanding rent, however that application was dismissed in its entirety, and **was not dismissed with leave to reapply**.

There is a legal term of for a dispute that has already been decided called “Res Judicata”, which states “If the thing actually and directly in dispute has already been adjudicated upon it cannot be litigated again.

The landlords therefore are not able to re-file a claim for the same outstanding utilities that was dismissed previously.

Conclusion

This matter is dismissed in full, as it is 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: November 14, 2016

Residential Tenancy Branch