



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AMACON PROPERTY MANAGEMENT SERVICES  
and [tenante suppressed to protect privacy]

## **DECISION**

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### Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act*. (the “Act”). This hearing dealt with the landlord’s application to:

- Cancel a previously awarded Monetary Order;

At the outset of the hearing, I explained to agent for the landlord, D.T., that I had reservations about the application before me. I stated that this matter had already been heard by the *Residential Tenancy Branch* on September 28, 2016, and a final and binding order had been issued.

Following the September 28, 2016 hearing, an arbitrator ruled on the issues concerning an application by the tenant for a monetary order, including return of the security deposit; a repair order; and an order compelling the landlord to comply with the *Act*. The arbitrator in this matter awarded the tenant a Monetary Order of \$337.50.

The legal principle of *res judicata* prevents a plaintiff from pursuing a claim that already has been decided and also prevents a defendant from raising any new defense to defeat the enforcement of an earlier judgment. It also precludes re-litigation of any issue, regardless of whether the second action is on the same claim as the first one, if that particular issue actually was contested and decided in the first action.

I therefore find that this current application is *res judicata*, meaning the matter has already been conclusively decided and cannot be decided again.

The landlord’s application is dismissed as I do not have the jurisdiction to consider a matter that has already been the subject of a final and binding decision by another arbitrator appointed under the *Act*.

Conclusion

As I am without jurisdiction to consider this matter, the landlord's application is dismissed without leave to reapply. The final and binding decision issued on October 19, 2017 pertaining to this tenancy remains in effect.

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: March 24, 2017

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Residential Tenancy Branch