



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Application filed on January 31, 2018

AAT, ERP, LAT, LRE, MNDC, PSF, RP RR, OLC, LRE, OPT, AS

Application filed on February 21, 2018

AS, ERP, LAT, LRE, OPT, RP, RR, MNDC, OLC, PSF

Introduction

This hearing dealt with applications by the tenant pursuant to the *Residential Tenancy Act*, for multiple remedies. The tenant made applications on January 31 and February 21, 2018 and today's hearing was convened to hear these two applications.

The tenant made two applications for the following remedies:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order that the landlord comply with the *Act*, regulations or tenancy agreement pursuant to section 62;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an Order of Possession of the rental unit pursuant to section 54; and
- an order to the landlord to provide services or facilities required by law pursuant to section 65.

The tenant also made similar applications on November 09, 2017 and On December 01, 2017 which were both heard on January 24, 2018 along with the landlord's application for an order of possession and a monetary order for unpaid rent. In a decision dated January 25, 2018, the Arbitrator granted the landlord's application and dismissed the tenant's application without leave to reapply.

On January 29, 2018, the tenant made an application for a review consideration of the decision dated January 25, 2018. The reviewing Arbitrator dismissed the application.

Just before the hearing on January 24, 2018, the tenant made one more application for the same remedies. His application was dated January 22, 2018 and was scheduled to be heard on February 19, 2018. The tenant did not attend the hearing and the matter was dismissed without leave to reapply

Despite the Arbitrators' rulings in decisions dated January 25, 2018 and February 19, 2018, the tenant made two more applications for the same remedies on January 31, 2018 and February 21, 2018.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Is the tenant entitled to the remedies that he is seeking on his applications for dispute resolution? Have these remedies been applied for in prior applications?

Background and Evidence

The tenancy began in 2016, with a monthly rent of \$750.00 due on the 10th day of the month. Pursuant to an order of possession that was granted to the landlord in the decision dated January 25, 2018, the tenancy ended on February 23, 2018, with the services of a bailiff.

The tenant went on at length about the events that took place during the tenancy and which were presented and ruled upon at the prior hearings. I cautioned the tenant that abusive language and antagonistic remarks would not be permitted during the hearing. I also encouraged the tenant to provide succinct and factual responses to the questions posed to him with a view to concluding this proceeding in a timely manner. I gave the tenant ample time to vent even though most of his testimony was regarding topics that were not relevant to the issue at hand, as the tenancy had ended.

Analysis

The landlord testified that the tenant is seeking the same relief as he sought in two previous hearings that took place on January 24 and February 19, 2018.

The principle of *res judicata* prevents an applicant from pursuing a claim that has already been conclusively decided. I find that the relief the tenant currently seeks is identical to that sought in the earlier hearings. I find that there were two conclusive decisions issued by other arbitrators at the earlier hearings of January 24, 2018 and February 19, 2018. Therefore, I do not have the jurisdiction to make a new finding.

Conclusion

The tenant's application is dismissed in its entirety.

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 22, 2018

Residential Tenancy Branch