



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRANSPACIFIC REALTY ADVISORS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: AAT, FF

Introduction

This hearing dealt with an application by the tenant for an order directing the landlord to provide the tenant with access to the rental unit and for the recovery of the filing fee. Both parties attended the hearing and had opportunity to be heard. The landlord was represented by their agents.

At the start of the hearing, the landlord informed me that on May 15, 2018, a hearing was convened to address the tenant's application for the very same remedy that is the subject of this hearing. The tenant agreed that she had made prior application for this remedy and that the matter was heard by an Arbitrator on May 15, 2018. The tenant also agreed that she was unsuccessful in that application. .

The landlord provided me with a copy of the decision dated May 15, 2018 and a file number which is recorded on the first page of this decision.

Analysis

Based on the documentary evidence, testimony of the parties and the decision dated May 15, 2018, I find that the tenant made application for an order directing the landlord to grant her access to the rental unit in two separate applications. The first one was heard on May 15, 2018 and the second one is the subject of today's hearing.

Black's Law Dictionary defines *res judicata*, in part as follows:

Rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action.

Following from the above, I find that the matter regarding the tenant's application for access to the rental unit has already been dealt with in the decision dated May 15, 2018.

Accordingly, based on the principles of *res judicata*, I must dismiss the tenant's application for an order directing the landlord to provide her with access to the rental unit. Since the tenant's application is dismissed, the tenant must bear the cost of filing her application.

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: December 18, 2018

Residential Tenancy Branch