



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND MNDC MNR FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on September 12, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for damage to the unit, site, or property; and
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing at the appointed date and time, and provided a solemn affirmation. The Tenant did not attend the hearing.

At the outset of the hearing, the Landlord advised that this is the third application she has made related to the above claims. Accordingly, the Residential Tenancy Branch case management system was utilized to confirm the Landlord's application history. Records indicated, and the Landlord confirmed, that the first telephone conference hearing took place on February 13, 2018. The issues in dispute were the same as outlined above. The file number associated with the first application has been included above for ease of reference.

The Landlord stated that she called into the first telephone conference hearing and was told by the arbitrator that her application would not be heard. However, on review of the decision arising from that hearing, I note the arbitrator indicated that he monitored the telephone system for 15 minutes and no participant joined the hearing during that time. As neither party attended the hearing, the arbitrator dismissed the application without leave to reapply.

The Landlord's second application was made on February 15, 2018, but was subsequently cancelled by the Landlord.

In light of the above, and pursuant to section 77(3) of the *Residential Tenancy Act* and the legal principal of *res judicata*, I decline to hear the Application. These matters were already heard and decided upon at a hearing on February 13, 2018, after which a final and binding decision was issued on February 14, 2018. In that decision, the Landlord's claim was dismissed without leave to reapply.

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: January 15, 2019

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Residential Tenancy Branch