



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RPP, FFT

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"), made on June 13, 2019. The Tenant applied for an Order that the Landlord return the Tenant's personal property as well as the return of the filing fee.

The Tenant, and the Tenant's witnesses, M.H. and A.B. attended the hearing at the appointed date and time. The Landlord, the Landlord's Agent, P.G., and the Landlord's witness A.G. also attended the hearing. All in attendance provided affirmed testimony.

### Preliminary Matters

At the start of the hearing the Tenant stated that he was seeking the return of his personal property from the Landlord. It was further discussed during the hearing that the parties had a previous hearing on May 23, 2019 during which the Tenant had applied for a monetary compensation relating to his personal property being damaged and stolen at the end of the tenancy. In the Arbitrator's decision dated May 28, 2019 the Arbitrator made a determination with respect to the Tenant's personal property, dismissing the Tenant's claim for compensation.

I find that the Decision, dated May 28, 2019, dealt with the same personal possessions that the Tenant has applied to be returned to him in this Application before me today. I find that the previous decision involved the exact same parties, and dispute address as today's hearing for the Tenant's Application. As such, I find that the matter regarding the return of the Tenant's personal possessions has already been determined and that today's matter is *res judicata*. In other words, the legal issue was resolved in a previous decision and I have no authority to alter that decision. Therefore, I deny reconsideration of this matter during this hearing.

As the Tenant was not successful in his Application, I decline to award the filing fee.

Conclusion

I apply *res judicata* to preserve the effect of the first Decision, dated May 28, 2019. As such, I dismiss the Tenant's Application 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: July 26, 2019

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Residential Tenancy Branch