



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAPLE LEAF REALTY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution filed under the Residential Tenancy Act (the "Act") to request a monetary order for compensation for my monetary loss or other money owed. The matter was set for conference call.

The Landlord, an Agent for the Landlord (the "Landlord") and the Tenant attended the conference call hearing.

At the outset of the hearing, it was brought to this Arbitrator's attention that these parties had two previous Dispute Resolution hearings with the Residential Tenancy Branch. The Respondent testified that there had already been a hearing regarding the issue applied for in these proceedings. The Landlord submitted a copy of the previous decisions into documentary evidence.

Res judicata is the legal doctrine preventing the rehearing of an issue that has been previously settled by a decision determined by an Officer with proper jurisdiction.

I have read the previous decisions submitted into evidence by the Landlord, and I find that the principle of res judicata bars me from considering the Tenant's application that I have before me in these proceedings as these matters had already been determined in the final and binding decision dated July 15, 2020.

I acknowledge the Tenant's argument that this was a different application as they had removed the second Tenant's name who had been listed on the two previous applications. However, I find the removal of one of the applicant's names is insufficient to void the principle of *Res judicata*.

Analysis

I find that the principle of res judicata bars me from considering this application as a final and binding decision has already been issued regarding this matter.

Conclusion

I dismiss this Application for Dispute Resolution 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, 2021

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Residential Tenancy Branch