



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC

Introduction

The Applicant seeks compensation pursuant to s. 51 of the *Residential Tenancy Act* (the “*Act*”) equivalent to 12 times monthly rent.

T.H. appeared on behalf of the Applicant and indicates she was a former Tenant. G.B. appeared as the Respondent.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

I was advised by the parties that the Applicant had previously advanced a compensation claim under s. 51 of the *Act*, which was heard on November 23, 2021. The Respondent advised that he attended the hearing on November 23, 2021 and that the Applicant did not. I was provided the file number by the Respondent and reviewed the decision from the previous application. In the decision, the arbitrator dismissed the Applicant’s previous claim under s. 51 without leave to reapply. The Applicant also applied for review considerations of the previous decision, which was also dismissed.

At the hearing, I indicated to T.H. that this was an issue as the matter had already been decided and that the Applicant could not advance the claim once more because the matter had been decided. It is also clear from the decision on November 23, 2021 that the Applicant could not reapply, yet they did so. I was told there were some technical issues preventing her attendance at the previous hearing on November 23, 2021. However, this argument was advanced and rejected in the review application. I note that

the Applicant's present application was filed on November 23, 2021, the same day the previous application had been dismissed.

In light of the dismissal of the previous application without leave to reapply, the present application is dismissed without leave to reapply. The present claim is an attempt to reopen a matter that had been decided. I find that the present application is an abuse of process and contrary to the doctrine of *res judicata*, in that the Applicant should not be permitted to advance the same claim, again and again, after it had been decided.

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: June 23, 2022

Residential Tenancy Branch