



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLAN A REAL ESTATE SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **DRI-ARI-C, CNC-MT, CNR-MT, MNDCT, RP, OLC, LRE, FFT
CNR-MT, CNC-MT, DRI, LRE, FFT
CNR-MT, CNC-MT, DRI, LRE, FFT**

Introduction

This hearing dealt with three applications by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) for:

- more time to make an application to cancel the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) pursuant to section 66;
- more time to make an application to cancel the landlord’s 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”) pursuant to section 66;
- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) pursuant to section 46;
- cancellation of the landlord’s 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”) pursuant to section 47;
- a determination regarding their dispute of an additional rent increase by the landlord pursuant to section 43;
- an order to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for each application from the landlord pursuant to section 72.

I was originally scheduled to only hear two of the applications, but as the third application regarding a separate unit involved the same parties, pertained to similar issues and the parties both consented to the matters being heard together I ordered the matters be joined pursuant to my authority under Residential Rule of Procedure 2.10.

Both parties attended the hearing and were given a full opportunity to be heard. The corporate landlord was represented by its agents.

At the outset of the hearing the parties agreed that all three of these tenancies had ended in accordance with Orders of Possession issued in earlier dispute resolution proceedings under the file numbers on the first page of this decision. The tenant confirmed that there were no longer any judicable issues.

While the tenant complained about the outcome of the earlier proceedings and expressed their frustrations with the previous decisions, I find the principle of *res judicata* prevents me from making a new decision on a matter that has already been the subject of a final decision by another arbitrator. I further find that a subsequent dispute resolution hearing is an inappropriate forum to reargue matters that have been previously litigated and resulted in a conclusive decision and order.

Accordingly, I dismiss all three of the tenant's applications in their entirety without leave to reapply as the tenancies have ended in accordance with earlier decisions of the Branch and there are no longer any issues to be litigated.

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: August 23, 2022

Residential Tenancy Branch