



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRT, RP**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*.
- An order requiring the landlord to carry out repairs pursuant to section 32.

The parties had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained. Each party confirmed their email address to which the Decision shall be sent.

Preliminary Issue 1 – Dismissal of Claim as Tenant Moving Out

The parties agreed the tenant is moving out pursuant to an Order of Possession effective in 2 days, on May 31, 2023. The claim for repairs is only available to a current tenant.

Accordingly, I dismiss the tenant's claim for repairs without leave to reapply.

Preliminary Issue 2 – Dismissal of Claim as Previous Decision

The landlord objected to the tenant's application as the tenant's claim was conclusively dealt with in a previous Decision dated April 29, 2022. The landlord submitted a copy of

the previous Decision. Reference to the file number appears on the first page of this Decision.

In the previous Decision of April 29, 2022, the tenant's claims for compensation for the same repairs was dismissed without leave to reapply.

The tenant said the Decision of April 29, 2022, was made in the absence of receipts. The tenant wanted his application heard again taking into consideration the receipts submitted for today's hearing.

I have carefully considered all the arguments and evidence. I find the matter under section 67 scheduled for hearing today was before the Arbitrator who made the previous Decision of April 29, 2022, and was decided at that time.

The matter has already been conclusively decided and cannot be decided again. I do not have the jurisdiction to consider a matter that has already been the subject of a final and binding decision by another Arbitrator appointed under the *Act*.

The tenant's application is therefore dismissed without leave to reapply.

Conclusion

The tenant's application is 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: May 29, 2023

Residential Tenancy Branch