



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      MNRL-S, MNDCL-S, FFL

### Introduction

The Landlord seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- a monetary order pursuant to ss. 38 and 67 seeking compensation for unpaid rent by claiming against the deposit;
- a monetary order pursuant to ss. 67 and 38 compensating for loss or other money owed by claiming against the deposit; and
- return of the filing fee pursuant to s. 72.

S.R. appeared as agent for the Landlord. The Tenant did not attend the hearing.

The Landlord’s agent 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. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

### Dismissal of Application

Review of the application shows that the Landlord filed it in response to the Tenant’s application. That file number is listed on the cover page of this decision. The Tenant’s application pertained to their dispute of a 10-Day Notice to End Tenancy for Unpaid rent, which came on for hearing on November 3, 2022. The Tenant was unsuccessful on their application and the Landlord was granted an order of possession and a monetary order for unpaid rent totalling \$10,891.00.

The total amount claimed by the Landlord in this application, less the filing fee, is \$10,891.00.

I enquired with the Landlord's agent why this application was filed, whether the amounts claimed were for the same relief, and why this hearing was necessary. The Landlord's agent advised that she took over from a previous property manager and was uncertain why the application had been filed.

At law, once an issue has been decided in one application, the same issue cannot be reheard in a separate application. In this instance, the Landlord obtained a monetary order for the relief claimed in this application on November 3, 2022. As such, I find that it would be inappropriate to hear this application. I dismiss it in its entirety 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: June 05, 2023

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Residential Tenancy Branch