



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, MNDCT, RR, LRE, LAT, OLC, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held on June 30, 2023. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord, and legal counsel, and the Tenant both attended the hearing and provided affirmed testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. Both parties confirmed receipt of each other's evidence and were willing to proceed.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

I note the parties both agree that the tenancy has now ended. As such, I find many of the grounds on the Tenant's application are moot, with the exception of his claim for the following:

- I want compensation for my monetary loss or other money owed
- I want to reduce rent for repairs, services or facilities agreed upon but not provided

Also, during the hearing, the Landlord raised the issue of *res judicata*. *Res judicata* is a rule in law that a final decision, determined by an Officer with proper jurisdiction and made on the merits of the claim, is conclusive as to the rights of the parties and

constitutes an absolute bar to a subsequent Application involving the same claim. The Landlord stated that all of the issues on the Tenant's application have been conclusively decided upon, and the Tenant's application should be dismissed on that basis. The Landlord pointed to 3 other hearings that were held in March/April of 2023. File numbers are noted on the front page of this decision. More specifically, the Landlord pointed to the decision following the March 31, 2023, hearing where the Tenant had also similarly applied for the following grounds:

- I want compensation for my monetary loss or other money owed
- I want to reduce rent for repairs, services or facilities agreed upon but not provided

I note this application made by the Tenant was dismissed, without leave, since the Tenant failed to attend that hearing. I further note that the grounds on that application are nearly identical to the grounds on this application, on these two issues noted. I also note the Tenant uploaded largely the same evidence in support of each of the grounds on both applications, and argued similar points, relating to parking issues, snow removal, harassment, and threats of eviction. I find this current application is substantially similar to the application made for the March 31, 2023, hearing. As such, I find the legal doctrine of *res judicata* applies (core issues already conclusively decided upon) and the Tenant's current application is hereby dismissed, without leave to reapply.

Conclusion

The Tenant's application is dismissed, in full, 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 30, 2023

Residential Tenancy Branch